

Guide to Judiciary Policy

Vol 19: Travel and Relocation

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§ 110 Overview

§ 110.10 Purpose

This policy provides guidance for the judiciary to effectively and efficiently maintain travel and relocation regulations for judiciary staff consistent with federal regulations.

§ 110.20 Authority

- [5 U.S.C. chapter 57](#) – Travel, Transportation, and Subsistence
- [28 U.S.C. § 456](#) – Traveling expenses of justices and judges; official duty stations
- [28 U.S.C. § 604 \(a\)\(7\)](#) – Duties of Director generally
- [28 U.S.C. § 1821](#) – Per diem and mileage generally; subsistence
- [28 U.S.C. § 1871\(g\)](#) – Fees
- [28 U.S.C. § 1920](#) – Taxation of costs

- [41 CFR part 301-51](#) – Paying Travel Expenses
- [41 CFR part 302](#) – Relocation Allowances
- [Federal Travel Regulation \(FTR\)](#)

§ 110.30 Applicability

This policy applies to the following:

- U.S. appellate courts, including the Federal Circuit
- U.S. district courts
- U.S. bankruptcy courts
- U.S. probation offices
- U.S. pretrial services offices
- U.S. Sentencing Commission
- U.S. Court of International Trade
- U.S. Court of Federal Claims
- Federal public defender organizations (FPDO)

§ 110.40 Definitions

- (a) Common Carrier

A private-sector supplier of air, rail or bus transportation.

- (b) Constructive Cost

The total cost of transportation, subsistence and incidental expenses that would have been incurred for travel had an employee traveled in the manner most cost effective to the judiciary.

- (c) Contract Travel Agency

A private-sector travel service or a Travel Management Center (TMC), which is under contract with the federal government to furnish federal employees and other persons authorized to travel at government expense with travel services, including reservation of accommodations, car rentals and ticketing. A judiciary employee may not use the TMC to furnish travel services for family and friends.

(d) Government Travel Charge Card

Government contractor-issued travel charge card for payment of official travel expenses. This is an individually billed charge card issued to the employee.

(e) Centrally Billed Account (CBA)

Account through which common carrier tickets are purchased from a contract travel agent and the cost of the tickets.

(f) Incidental Expenses

This term refers to the following types of expenses: (1) Fees or gratuities for services and tips given to porters, baggage carriers, bellhops, hotel maids, room stewards, sky caps, and others; and (2) transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the temporary duty site. Incidental expenses are part of the per diem and meals and incidental expenses (M&IE) allowance. The rates for the per diem and M&IE are published in the Federal Register periodically by GSA. The Internal Revenue Service (IRS) has adopted these rates in its rules for Accountable Plans. Incidental expenses are not miscellaneous expenses.

(g) Miscellaneous Expenses

Reasonable and necessary expenses incurred by a traveler in the conduct of the official business, which are not included in the traveler's per diem and transportation allowances.

(h) Per Diem Allowance

The daily fixed locality allowance for lodging, meals, and incidental expenses is published periodically in the Federal Register by GSA. **See:** [Domestic Per Diem Rates](#) on GSA's website. The per diem allowance may be claimed by a traveler in lieu of actual expenses for lodging, meals, and incidental expenses. The per diem allowance is separate from the allowance for transportation expenses and other miscellaneous expenses. **See also:** [Guide, Vol. 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#).

(i) Prudent Traveler Rule

A judge or judiciary employee, on official business, should exercise the same care in incurring expenses that a prudent person would exercise in

conducting personal business using his or her own money. Excess costs, circuitous routes, and services that are unnecessary or unjustified in the performance of official business are not acceptable under this standard. Employees will be responsible for excess costs and any additional expenses incurred for personal preference or convenience. Mileage and other expenses must be claimed only for the direct mileage route, unless there is an official necessity for travel by another route.

(j) Subsistence

Expenses such as lodging and service charges; meals including taxes and tips; and incidental expenses.

§ 120 Policy

§ 120.10 Travel Regulations

- (a) The AO Director prescribes travel regulations for judges, including justices of the Supreme Court, with approval from the Judicial Conference of the United States. **See also:** [28 U.S.C. § 456](#) and [28 U.S.C. § 604 \(a\)\(7\)](#).
 - (1) For detailed policies specific to justices' and judge's travel, **see:** [Guide, Vol 19, Ch 2 \(Travel Regulations for Justices and Judges\)](#).
 - (2) For policies specific to staff (including chambers) travel, **see:** [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#).
- (b) Judicial branch employees are expected to follow the "prudent traveler rule" and should exercise frugality when incurring expenses while in official travel status.
- (c) The General Services Administration (GSA) establishes per diem and subsistence allowance rates for the federal government. **See also:** [5 U.S.C. chapter 57](#). These rates are accessible on the J-Net, under [Travel – Per Diem/Subsistence](#). The AO Director, with the approval of the Judicial Conference of the United States, establishes per diem and subsistence allowance rates for judges, including justices of the Supreme Court. **See also:** [28 U.S.C. § 456](#) and [28 U.S.C. § 604 \(a\)\(7\)](#). For mileage rates effective for the current fiscal year, **see:** [Travel – Mileage Rates](#).

- (d) Judges and staff should contact the AO Travel Management Office at (202) 502-1290, for inquiries regarding travel authorization and payment of travel expenses.

§ 120.20 Relocation Allowances

- (a) Under [5 U.S.C. chapter 57](#) and [41 CFR part 302](#), the judiciary is authorized to pay the relocation expenses of employees, including justices of the Supreme Court and judges of the judicial branch. **See also:** [Guide, Vol 19, Ch 3 \(Relocation Allowances for Justices and Judges\)](#) and [Guide, Vol 19, Ch 5 \(Relocation Allowances for Judiciary Staff\)](#).
- (b) Under [5 U.S.C. § 5738](#), GSA has authority to issue government-wide regulations regarding relocation. The GSA regulations set forth at [41 CFR part 302](#), apply to the judicial branch. These regulations may be found as part of the [Federal Travel Regulations](#). These regulations apply to all employees of the judicial branch, excluding judges, and justices of the Supreme Court, but including FPDOs.

§ 120.30 Travel Programs

- (a) Authority for payment of travel expenses is provided in [41 CFR 301-51](#).
- (b) Judicial branch employees should utilize the TMC when arranging travel for official business.
- (c) Judges and employees traveling on more than one overnight trip per year should apply for a government travel charge card.
- (d) Individual court units and FPDOs are encouraged to establish a CBA for the purchase of common carrier tickets from a contract travel agent.
- (e) **See also:** [Guide, Vol 19, Ch 6 \(Available Travel Programs\)](#).

§ 120.40 Juror Fee Regulations

- (a) The provision of juror, travel and subsistence allowances is authorized under [28 U.S.C. § 1871\(g\)](#).
- (b) Travel policy established in [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#) should be used to determine juror travel and subsistence allowance rates, when applicable. By order of the court, meals and lodging are provided for grand and petit jurors selected for service or in deliberation.

- (c) **See also:** [Guide, Vol 19, Ch 7 \(Juror Fee Regulations\)](#).

§ 120.50 Compensation of Witnesses and Taxation of Witness Travel Costs

- (a) Courts are authorized to compensate witnesses under [28 U.S.C. § 1821](#). A witness is entitled to reimbursement of travel and subsistence expenses in the same amount payable to a federal employee in official travel status.
- (b) Taxation of witness travel expenses, such as common carrier tickets, mileage, and per diem, is authorized under [28 U.S.C. § 1920](#).
- (c) **See also:** [Guide, Vol 19, Ch 8 \(Compensation of Witnesses and Taxation of Travel Costs\)](#).

Guide to Judiciary Policy

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Ch 2: Travel Regulations for Justices and Judges

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§ 210 Authority, Applicability, and General Provisions

§ 210.10 Authority

The Director of the Administrative Office of the United States Courts (AO), with the approval of the Judicial Conference of the United States, promulgates these regulations under [5 U.S.C. § 5707\(a\)](#), [28 U.S.C. §§ 456](#) and [604\(a\)\(7\)](#).

§ 210.20 Applicability

- (a) These regulations apply to official travel of justices and judges of the United States.
- (b) These regulations also apply to United States bankruptcy judges, judges of the United States Court of Federal Claims, judges of the territorial district courts, and United States magistrate judges, except clerks of court who are authorized to perform magistrate judge duties.

§ 210.30 General Provisions and Definitions

§ 210.30.10 Reimbursable Expenses

A judge may obtain reimbursement for official travel expenses, including transportation and subsistence, incurred while holding court or transacting official business at a place other than the judge's official duty station.

Note: A judge may not be reimbursed for the purchase of alcoholic beverages or for the cost of entertainment.

§ 210.30.20 Use of Contract Travel Agencies

The judiciary contracts with a travel agency that serves the courts nationwide. For further information on the current judiciary contract travel agency, **see:** [J-Net Travel page](#). The General Services Administration (GSA) also contracts with travel agencies to provide services to government travelers, including judges and judicial employees. These contract travel agencies provide special contract airfares to government travelers

where the traveler purchases a ticket with the government-sponsored credit card (**see: § 230.10**) or through a centrally billed government-sponsored account. The AO Travel Management Office is responsible for establishing these centrally billed accounts, and the appropriate clerk's office can arrange to have one established.

§ 210.30.30 “Prudent Traveler” Rule

A judge traveling on official business must exercise the same care in incurring expenses that a prudent person would exercise in conducting personal business using his or her own money.

§ 210.30.40 Death While in Travel Status

(a) General

The provisions of [41 CFR chapter 303](#) are applicable. If death should occur while in a travel status, the AO Travel Management Office should be contacted for assistance.

(b) Voucher

Personnel familiar with the travel (generally chambers staff) undertaken by the deceased judge shall prepare a travel voucher with supporting documentation. To avoid erroneous payment, [Standard Form 1055 \(Claim Against the United States for Amounts Due in the Case of Deceased Creditor\)](#) should accompany the voucher. **See:** [Guide, Vol 13, Ch 4 \(Disbursing\)](#).

(c) Signature

The chief judge of the court shall approve the claim upon completion of review. The deceased judge's name shall be inserted in the payee block along with the name of the person entitled to payment in accordance with a designation of beneficiary on file or the order of precedence under state law for payments due to a decedent or his or her estate. The individual entitled to payment does **not** have to sign the form.

(d) Cost of Transportation of Deceased Back to Official Station

[Title 41 CFR chapter 303](#) contains regulations governing reimbursable expenditures, which may be made directly to the person who made the original payment or may be paid directly by the court, upon the approval of the chief judge of the court. Supporting receipts are required.

§ 210.30.50 Definitions

(a) Chief Judges

Except as otherwise provided, “chief judges” means the chief judges of the courts of appeals, district courts, territorial district courts, Court of International Trade, and Court of Federal Claims.

Note: The chief judge, for purposes of authorizing bankruptcy and magistrate judges’ travel, shall be the appropriate chief district judge.

(b) Constructive Cost

This means the total cost of per diem, transportation, and incidental expenses that would have been incurred for travel had a judge traveled in the manner most cost effective to the judiciary.

Note: For an example of how to determine the constructive cost of travel, see: [§ 240.20.20\(b\)\(1\)](#).

(c) Official Duty Station

- (1) The official duty station of the Chief Justice, the Associate Justices, and the active judges of the Court of Appeals for the District of Columbia Circuit, the Court of Appeals for the Federal Circuit, and the District Court for the District of Columbia is the District of Columbia. [28 U.S.C. § 456\(b\)](#).
- (2) The official duty station of any other active judge is the place where a court is regularly held at or near which the judge performs a substantial portion of the judge’s work, or that place where the Director of the AO provides chambers to the judge where the judge performs a substantial portion of the judge’s work, which is nearest the actual abode in which the judge customarily lives. [28 U.S.C. § 456\(d\)-\(e\)](#).
- (3) The official duty station of the judges of the Court of International Trade is New York City. [28 U.S.C. § 456\(c\)](#).
- (4) The official duty station of the judges of the Court of Federal Claims is the District of Columbia. [28 U.S.C. § 175](#).

- (5) The official duty stations for bankruptcy and magistrate judges are determined by the Judicial Conference. [28 U.S.C. §§ 152\(b\)\(1\); 633\(b\)-\(c\)](#).
 - (6) The official duty station of a senior judge is the abode the senior judge designates in writing to the AO, Judges Compensation and Retirement Services Office, as his or her principal residence. [28 U.S.C. § 374](#).
 - (7) The official duty station for a recalled bankruptcy or magistrate judge is the abode the retired judge designates in writing to the AO, Judges Compensation and Retirement Services Office, as his or her principal residence. [28 U.S.C. § 374](#).
- (d) Authorized Judicial Meetings

As used in this chapter, “authorized judicial meetings” means meetings of the Judicial Conference and its committees, meetings of circuit judicial councils and their committees, circuit judicial conferences, meetings of courts of appeals and their committees, and meetings of district courts and their committees.

§ 210.30.60 Travel Promotional Awards

Frequent flyer miles and other travel promotional materials awarded at the sole discretion of a company and received by a judge in connection with official travel may be used at the discretion of that judge. This provision shall apply with respect to frequent flyer mileage and promotional materials received before, on, or after the date of adoption.

(Note: According to [I.R.S. Announcement 2002-10](#) (Mar. 11, 2002), the Internal Revenue Service (IRS) has not pursued a tax enforcement program with respect to promotional benefits such as frequent flyer miles received as a result of business travel and used for personal purposes. Any future IRS guidance on the taxability of these benefits will be applied only prospectively, at which time this note will be updated.)

§ 210.30.70 Travel Interruptions Due to Illness, Injury

- (a) Transportation expenses to a judge’s official duty station and per diem or actual expenses of subsistence while en route may be claimed, whenever the judge becomes incapacitated by illness or injury not resulting from his or her own misconduct, while en route to or from or while at a temporary duty location.

- (b) A judge may also claim reimbursement for transportation and per diem expenses or actual expenses of subsistence for travel to an alternate location to receive medical treatment. Under these circumstances, the judiciary will also reimburse a judge for the transportation and per diem expenses of an attendant.

§ 220 Authorization for Travel

§ 220.10 Types of Travel That Do Not Require Advance Authorization

§ 220.10.10 Holding Court

A judge needs no advance authorization for travel to hold court (to include attending sessions of a bankruptcy appellate panel), subject to the provisions of [§ 220.30.10\(g\)](#), below.

§ 220.10.20 Authorized Judicial Meetings

A judge needs no advance authorization to travel to attend authorized judicial meetings of:

- the Judicial Conference,
- a Judicial Conference committee,
- a circuit judicial council,
- a circuit council committee,
- a circuit judicial conference,
- a court of appeals or its committees,
- a district court or its committees,
- a bankruptcy appellate panel,
- or a bankruptcy court or its committees,

if the judge is commissioned to that court or is a member of the conference, council or committee conducting the meeting.

§ 220.20 Types of Travel That Require Advance Authorization

Except for personal travel paid at the judge's own expense or travel reimbursed by a source other than a federal judicial agency, travel for purposes other than to hold court or to attend an authorized judicial meeting must be approved in advance by the appropriate chief judge or Judicial Conference and circuit judicial council committee chairs, subject to the provisions of [§ 220.30.10](#) and [§ 220.30.20\(a\)](#), below.

§ 220.30 Types of Travel That Are and Are Not Reimbursable

§ 220.30.10 Reimbursable Travel

(a) General Rules

(1) Holding Court and Authorized Judicial Meetings

Consistent with [§ 220.10](#), a judge may be reimbursed for travel expenses to hold court and to attend authorized judicial meetings.

(2) Prior Authorization

Travel for other purposes must be cleared with the appropriate chief judge or Judicial Conference or circuit council committee chair, subject to the provisions of [§ 220.30.10\(b\)-\(f\)](#) and [§ 220.30.20\(a\)](#), below.

(b) Testifying Before Congressional Committees or Meeting with Members of Congress or Congressional Staff

A judge may be reimbursed for travel and subsistence expenses where the judge appears by designation of the Chief Justice, a Judicial Conference committee chair (where the committee has jurisdiction over the subject matter), or the Director of the AO:

- (1)** to speak on behalf of the judiciary before a congressional committee or at the request of a congressional committee, or
- (2)** to consult with Members of Congress or congressional staff regarding pending legislation.

(c) Appearances Before the Judicial Conference and its Committees

A judge may be reimbursed for travel expenses to testify before the Judicial Conference and its committees only where he or she is invited to appear by the Chief Justice or appropriate chair of such committee.

(d) Depositions

A judge may be reimbursed for travel expenses to preside over the taking of depositions within the United States; however, such expenses are not reimbursable where the deposition is taken in a foreign country.

(e) Penal Institutions and Youth Centers

A judge may be reimbursed for travel to visit penal institutions and youth centers.

(f) Investiture Ceremonies

(1) Supreme Court Justice

Upon the invitation of the Chief Justice of the United States, only the chief judge of the court of appeals or district court on which the justice to be invested is a member or was a member may receive reimbursement of travel expenses to attend the investiture of a newly appointed justice of the Supreme Court.

(2) Circuit Judge

The Chief Justice or his or her designee, judges of the same court of appeals, and the chief judge of each district court within the circuit (or his or her designee), upon invitation of the chief judge of the court of appeals, may receive reimbursement of travel expenses to attend the investiture of a newly appointed judge of the court of appeals.

(3) District Judge, Bankruptcy Judge, or Magistrate Judge

The Chief Justice or his or her designee, the chief judge of the court of appeals (or his or her designee), district judges of the same district court, and bankruptcy judges and magistrate judges of the same district court (with the approval of the chief district judge) may receive reimbursement of travel expenses to attend the investiture of a newly appointed district judge, bankruptcy judge, or magistrate judge.

(g) Senior Judges

(1) In General

Under [28 U.S.C. § 374](#), a senior judge may be reimbursed for certain official travel expenses incurred in travel to and from the judge's official duty station and official duty points; however, a judge may not generally claim travel expenses incurred for travel to and from a secondary residence.

(2) Commuting Expenses

- (A) If a senior judge holds court or transacts official business at a location to which the judge normally commutes from the judge's residence, and such location is outside the corporate limits of that residence, the judge is entitled to claim reimbursement for both transportation and actual subsistence expenses incurred during the day, i.e., round trip mileage and lunch, subject to [§ 220.30.10\(g\)\(3\)](#).
- (B) Transportation expenses shall be limited to the roundtrip mileage rate between the judge's home and the courthouse, toll expenses, and parking, except that a judge who uses public mass transit may be reimbursed for actual expenses incurred.
- (C) When the court or other duty location is within the corporate limits of the judge's residence, only transportation expenses incurred between that residence and duty location may be claimed, consistent with the foregoing limitations.
- (D) A senior judge may be reimbursed for transportation expenses in an amount higher than the amounts prescribed above only with the approval of the circuit judicial council. In reviewing any such request, the circuit judicial council may consider such factors as health, physical disability, financial hardship, and security.
- (E) Enhanced transportation and subsistence expenses (e.g., airfare, lodging, and three meals per day) are not generally payable to a senior district judge who lives within the territorial boundaries of the court to which the judge was originally commissioned and who incurs such expenses in connection with a judicial sitting. However, a chief district judge, with the concurrence of the circuit judicial council, may authorize a senior district judge reimbursement for enhanced transportation and subsistence expenses when it is in the interest of the administration of justice (e.g., due to a shortage of judge power, case backlog, etc.). This authority is not intended to be used to supplement the salary of or to otherwise provide a personal benefit to an individual judge.

(3) Relocation of Residence Outside Jurisdiction of Home Court and Long Distance Travel for Courts of National Jurisdiction

- (A) If a senior judge relocates his or her residence to a place outside the district or circuit of the judge's original commission and the judge intends to seek reimbursement for travel to hold court or to transact official business at that court, such travel must be authorized by the judicial council of the circuit where the judge was commissioned.
- (B) If a senior judge is commissioned to a court of national jurisdiction and the judge intends to travel a distance of more than 75 miles from his or her residence to hold court or to transact official business for that court and also to claim reimbursement for any expenses associated with that travel, such travel must be authorized by the chief judge of the court.

(h) Education and Training

The Federal Judicial Center (FJC) has established its own policies on travel reimbursement to judges for training conducted by the FJC. A judge, prior to traveling to participate in an FJC educational program, must obtain the approval of the FJC.

(i) Applicants for Bankruptcy and Magistrate Judge Positions

Applicants for the positions of bankruptcy judge and magistrate judge, when summoned by a judge or court for an interview, may be reimbursed for actual expenses of travel not to exceed the amount reimbursable to supporting court personnel. **See:** [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#).

(j) Inter-District Meetings Within States with Multiple Districts

Chief judges in states having multiple federal judicial districts may, within their discretion, jointly convene one inter-district meeting of their respective courts annually, and judge-attendees who attend that meeting may be reimbursed for their transportation and subsistence expenses.

(k) Meetings with Representatives of Federal, State, And/or Local Government Agencies

- (1) As a general rule, the Chief Justice, a chief judge, or a chair of a committee of the Judicial Conference (solely with respect to members of that committee) may authorize one or more judges on their respective courts or committees to represent the court or the committee at a meeting with federal, state and/or local government agencies, and the judges may be reimbursed for any transportation and subsistence expenses incurred in attending that meeting.
 - (2) Where a meeting is outside the geographic boundaries of the court, authorization must also be received from the chief judge of the circuit.
- (I) Emergency Travel for Reasons of Security

Upon the request of a chief judge, the Director of the AO may authorize, within the limits of the relevant judiciary travel regulations, a judge and the judge's dependents reimbursement for expenses of transportation, lodging, and subsistence (actual expenses or the applicable General Services Administration locality meals and incidental expenses rate) incurred when the judge and the judge's dependents are advised by the United States Marshals Service to relocate from their residence to temporary lodging at or away from the judge's official duty station for reasons of security.

§ 220.30.20 Non-Reimbursable Travel

- (a) Meetings of Societies, Associations, Colleges and Universities, Schools, etc.
- (1) Travel Reimbursement Is Generally Non Permissible

Normally, travel to attend meetings or conventions of societies or associations (e.g., meetings of the American Bar Association, American Judicature Society, Federal Judges Association) is considered unofficial travel, and expenses incurred in association with such travel are not reimbursable as provided by [5 U.S.C. § 5946](#) and [31 U.S.C. § 1345](#). Generally, a judge who is invited to address a bar association or legal society, or who is serving as a member of a committee of any such organization, is reimbursed for travel expenses by that organization. The expenses of attending meetings sponsored by foreign governments, colleges and universities, schools, or other organizations are likewise not normally reimbursable as official travel.

(2) Where a Judge Serves as a Judiciary Spokesperson

- (A) Notwithstanding the general prohibition in [§ 220.30.20\(a\)\(1\)](#), above, a judge who has been designated by the Chief Justice, by the appropriate chief judge of a court of appeals, the Court of International Trade or the Court of Federal Claims, or by the chair of a committee of the Judicial Conference (solely with respect to members of that committee), to serve as an official spokesperson for the judiciary at a meeting or convention, may receive reimbursement for his or her expenses within the limits of these regulations from appropriated funds.
- (B) Ordinarily, one judge should be able to represent the judiciary adequately, and thus no more than one judge should be designated to attend a meeting as the spokesperson for the judiciary.
- (C) In approving travel for more than one judge, the designating official should apply a reasonableness standard that takes into account the costs and benefits of authorizing more than one judge to attend a meeting as the designated spokesperson for the judiciary.
- (D) When more than one judge is designated for international travel, the chief circuit judge or Judicial Conference committee chair who made the designation must obtain approval for the travel from the chair of the Executive Committee of the Judicial Conference.

(b) Judicial Nominating Panels or Commissions

Expenses of travel to be interviewed by the United States Circuit Judge Nominating Commission, or similar commissions or panels that may be established in connection with the appointment of judges are not reimbursable from judiciary funds. These interviews are considered official business of the Executive Branch, not the Judicial Branch. Therefore, funds appropriated to the judiciary may not be used for payment of such travel.

(c) Judicial Nominees and New Appointees

The judiciary may not reimburse a nominee for transportation, meals, and incidental expenses incurred solely to appear before a Senate committee for confirmation, subject to the two exceptions below.

(1) Reimbursement for Travel Expenses Incurred Incident to Travel to an AO Orientation Program

If a nominee attends an orientation program sponsored by the Administrative Office (which may be held contemporaneous with a Senate confirmation hearing), the AO may reimburse the nominee for the portion of his or her travel expenses (not to exceed the available government contract fare) related to attendance at that program, within the limits prescribed in the [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#).

Note: Travel expenses incurred by sitting judges nominated for elevation to another judgeship are reimbursable for attendance at orientation programs within limits prescribed by the above regulations.

(2) Other Judicial Orientation Programs

Similarly, nominees and new appointees (whether or not they have entered on duty) may be reimbursed for travel expenses incurred in attending, at the invitation of a chief judge, orientation programs at the courts to which they have been nominated or appointed. Travel expenses are reimbursable within the limits prescribed by [§ 220.30.20\(c\)\(1\)](#), above.

(d) Memorial Services, Funerals, Portrait Hangings, and Courthouse Groundbreaking and Dedication Ceremonies

While travel expenses to attend memorial services, funerals, portrait hangings and courthouse groundbreaking and dedication ceremonies are generally not reimbursable, the Chief Justice or a chief judge may designate one or more Justices or judges to represent the court. In such cases the designated Justices or judges may be reimbursed for the travel consistent with these regulations.

(e) Interviewing Prospective Law Clerks

A judge may not be reimbursed for expenses of travel to a law school, college, or other institution for the purpose of consulting officials about or interviewing prospective law clerks.

§ 230 Travel Advances and Other Means of Covering Travel Costs

§ 230.10 Government Sponsored Credit Cards

All judges are eligible for a government credit card. For further information on the current government contract credit card vendor, and directions on how to obtain a card, **see:** [J-Net Travel page](#).

§ 230.20 Travel Advances

- (a) A judge may obtain a travel advance of funds through an Automated Teller Machine (ATM) using a government credit card. As noted below in [§ 260.20\(n\)](#), any fee incurred while using the government card to obtain a travel advance for official travel is a reimbursable travel expense.
- (b) A judge may also request a travel advance from the clerk's office. For further information on the subject of travel advances, **see:** [J-Net Travel page](#).
- (c) Travel advances are to be reconciled on the judge's travel expense voucher (i.e., [Form AO 28](#)) for that trip. If the funds from the travel advance exceed a judge's travel expenditures, the unused portion of the advance must be settled with the clerk of the district court no later than 90 days after completion of the trip.

§ 230.30 Use of Personal Funds

A judge may use personal funds (cash or a personal credit card) to pay the cost of transportation for official travel and claim reimbursement by including the cost of the transportation on the reverse side of the travel voucher.

§ 240 Transportation

§ 240.10 Reimbursable Transportation Expenses

- (a) A judge may be reimbursed for expenses incident to transportation such as common carrier fares, automobile rental fees, mileage expenses, and parking fees.
- (b) The Director may authorize a judge with a special need (e.g., physical disability) transportation and subsistence expenses on an actual expense basis (consistent with [§ 420.30.40 of the Judiciary Staff Travel Regulations \(Guide, Vol 19, Ch 4\)](#)), incurred by a family member or other attendant who must travel with the judge to make the trip possible.
- (c) Upon request, and when appropriate, the Director may also authorize the payment of the expense of the services of an attendant to travel with a judge to accommodate the judge's special needs.
- (d) In addition, a judge with a special need is authorized services (e.g., renting and/or transporting a wheelchair) to enable the judge to accomplish successfully the purpose of the travel.

§ 240.20 Authorized Methods of Transportation

When on official business a judge may travel by airline, railroad, subway, ferry, bus, streetcar, transportation terminal limousine, taxi, government owned or rental automobile, and airplane. In making travel arrangements, a judge may consider such factors as personal safety, security, health, and the benefits to the judiciary of using non-stop or direct transportation; however, a judge is required to be a careful steward of the judiciary's fiscal resources and to adhere to the prudent traveler rule set out in [§ 210.30.30](#).

§ 240.20.10 Common Carrier

- (a) In General

A judge on official travel normally should use coach accommodations. A judge may use first-class accommodations or "Economy Plus" seating or its equivalent for reasons of security, health, physical disability, or unavailability of less than first-class accommodations. A judge may be reimbursed for the expense of upgrading to "Economy Plus" seating or its equivalent, where such seating is necessary to accommodate the physical needs of the judge (e.g., the judge is of above-average height). For purposes of this provision, a judge who frequently travels on official

business may be reimbursed for the annual cost of enrolling in an “Economy Plus” seating upgrade program.

(b) Government Contract Fares

Where a judge elects to use a non-contract fare which exceeds the government contract rate, the judge may claim reimbursement only for what the government contract rate would have been. This limitation does not apply where a government contract rate is unavailable, or where a judge travels first-class for reasons of security, health, physical disability, or unavailability of less than first-class accommodations.

(c) Air Travel

Since travel by air is generally the least costly and most expeditious mode of long-distance transportation, this method should normally be used for long trips.

(d) Rail Travel

A judge may travel by rail if he or she determines that it would be advantageous to the judiciary. When rail travel is performed at night, a judge may be reimbursed for sleeping accommodations that do not exceed the cost of an economy or basic bedroom. A judge traveling overnight may use first-class accommodations for reasons of security, health, physical impairment, or unavailability of less than first-class accommodations.

Note: If rail transportation is used for other reasons, reimbursement of expenses will be limited to the constructive cost of air travel at the government contract rate.

(e) Travel by Ship

Except for travel between two points served by ferries, travel by ship is generally not regarded as advantageous to the judiciary.

Note: Where a judge travels by ship, the judge will generally be limited to the constructive cost of travel by air.

(f) Use of Special Lower Fares

Whenever possible, a judge on official travel should take advantage of the savings available from government contract airfares. Discounted airfares,

including penalty and non-refundable tickets as well as tickets requiring Saturday night stay-overs, may also be used in the interest of economy (unless it is imprudent to do so). Penalties or additional costs assessed for cancellations or changes in reservations will be paid by the government. Also, the additional cost of meals and lodging incurred in connection with a Saturday night stay-over is payable when such an arrangement represents a savings to the government.

Note: Generally, to secure discounted airfares, travelers must make their travel arrangements well in advance. Judges are advised that airlines regularly change their fare schedules and the policies governing them.

§ 240.20.20 Privately Owned Automobile

(a) When Authorized

Travel by privately owned automobile within 500 miles of a judge's official station is presumed advantageous to the judiciary, and reimbursement for mileage, parking, and road, bridge, and tunnel tolls is therefore permitted.

(b) Travel in Excess of 500 Miles One-Way

When a judge uses a privately owned automobile for official travel for a one-way distance of more than 500 miles, claims for reimbursement are limited to the lesser of: (1) mileage, tolls and subsistence or (2) the constructive cost of travel (as set forth below).

(1) Determining the Constructive Cost of Travel – In General

The constructive cost of travel consists of the following:

- (A) The cost of air travel at the government contract rate (if no government contract fare is available, then the lowest coach fare available);
- (B) A subsistence allowance based on reasonable common carrier schedules;
- (C) The usual transportation costs to and from the common carrier terminals including parking fees; and
- (D) Tips to taxi and limousine drivers.

(2) Where the Points of Travel Are Not Served by an Airline

In the event that the points of travel are not served by an airline, the constructive cost should be based on the cost of travel by the mode of transportation available and most commonly used.

(3) Special Circumstances

Where a judge travels first-class for reasons of security or physical disability the cost of a first-class fare may be used to determine the constructive cost.

(c) Reimbursable Expenses

Reimbursement may be claimed for travel by privately owned automobile at the most [recent prescribed rate by the Director](#), plus necessary parking fees, ferry charges, and road, bridge and tunnel tolls. Mileage claimed may not exceed that for the most direct and usually traveled route. Distances shown by a standard highway mileage guide may be used as the basis for such claims, or in lieu thereof, actual mileage may be shown. The judge's travel voucher ([Form AO 28](#)) should show the points between which official travel was performed, the total mileage claimed, and the dates of travel in the section entitled "Mileage and Other Expenses." For an illustration on computing the constructive cost of travel, **see:** [J-Net Travel page](#).

(d) Travel with More than One Person

Travel by privately owned automobile is generally advantageous to the judiciary where two or more judges and/or employees travel together. The owner of the vehicle may claim mileage between the starting point of the trip and the locations where passengers assemble. Passengers may claim fees, taxi fares or other costs actually incurred for travel to and from the pickup points.

§ 240.20.30 Rental Automobiles

(a) In General

Reimbursement of the costs of a rental car is permitted where a judge determines that the use of a rental car is more advantageous to the judiciary than the use of a taxi, airport limousine, or other mode of transportation. When a rental car is used, a judge should obtain the most economical vehicle available that is suitable for official business, taking

into consideration factors such as cost, number of passengers, luggage, and supplies to be transported, physical disability, and medical necessity. The cost of a full-size car is reimbursable. However, additional charges for upgrades such as for a premium-size vehicle, van, or sport utility vehicle are not reimbursable unless there is a specific business purpose for the upgrade (e.g., hazardous driving conditions, multiple judges traveling together).

(b) Government Contract Rental

A government contract rental should be the first resource. Most national automobile rental companies have government contracts and provide special daily flat-rates (no mileage restrictions) to all government employees on official travel. Furthermore, the cost of collision damage waiver or insurance, which is not separately reimbursable, is included in the government contract rental rate.

(c) When Use of a Non-Government Contract Rental Is Permissible

A judge may use a non-government contract rental only where no government contract rate is available. In such an instance, the judge should use the least expensive reasonably available commercial rental.

Note: As noted above in [§ 240.20.30\(b\)](#), rental vehicles available under agreements with the government include full insurance coverage for damages resulting from an accident while performing official travel; however, such insurance is not included in the cost of a non-government contract vehicle (and the cost of such insurance is a personal expense).

(d) Reimbursement for the Cost of Insurance

A judge will not be reimbursed for the cost of personal accident insurance. Similarly, where a judge uses a commercial rental, a separate charge for collision damage waiver or collision damage insurance is not reimbursable.

(e) Damage to a Rental Vehicle

If a judge is not covered by collision damage waiver or collision damage insurance and is involved in an accident, the judge should advise the rental agency to submit any damage-connected claims directly to the AO Office of the General Counsel.

(f) Incidental Charges

If the rental charges do not include the cost of gas or other incidental expenses of operation, the judge should pay the costs and then itemize the expenses on his or her reimbursement voucher.

§ 240.20.40 Privately Owned Airplane

Travel by privately owned airplane is reimbursable at the most [recent prescribed rate by the Director](#), plus airplane parking, landing, and tie down fees, not to exceed the cost of travel by commercial airline.

§ 240.20.50 Privately Owned Motorcycle

Travel by privately owned motorcycle is reimbursable at the most [recent prescribed rate by the Director](#), with the same allowances and limitations as privately owned automobile.

§ 240.30 Local Transportation

A judge may claim reimbursement for the expense of transportation by bus, streetcar, subway, taxi or privately-owned automobile (at the established mileage rate) incurred in connection with the following:

§ 240.30.10 To, From, and Between Places of Work

Travel between places of business at an official station or a temporary duty station, and between place of lodging and place of business at a temporary duty station.

§ 240.30.20 To and From Common Carrier Terminals

Travel between a judge's residence or office and common carrier terminals and, when necessary, between airports and limousine terminals.

§ 240.30.30 To Places Where Meals Are Obtained

Travel to obtain meals at a temporary duty station is an item of subsistence and should be included in the itemization of actual expenses or covered by per diem.

§ 240.30.40 Between Residence and Office on Day of Departure

- (a) Travel from the judge's residence to the office on the day the judge departs from the office for an official trip and from the office to the judge's home upon return is reimbursable.

- (b) A judge may also claim reimbursement for the costs incurred in connection with travel between the office and common carrier terminal.
- (c) Where a judge elects to use his or her privately owned automobile, in lieu of a taxi, the judge may claim round-trip mileage between the office and the common carrier terminal at the established rate.

§ 240.30.50 GSA Motor Pool Vehicles

GSA motor pool vehicles may be available for official travel performed locally or within commuting distance of the designated official duty station.

§ 240.40 Home-to-Work Transportation for a Disabled Judge

§ 240.40.10 Authority

Under [31 U.S.C. § 1344\(b\)\(9\)](#), a chief circuit judge (or in the case of a disabled judge of the Court of International Trade or the Court of Federal Claims, the chief judge of that court) may authorize home-to-work transportation for a disabled judge where the chief judge determines that "compelling operational considerations make such transportation essential to the conduct of official business."

§ 240.40.20 Scope of Authorization

- (a) If authorized, home-to-work transportation may be provided for not more than 15 calendar days.
- (b) Should the circumstances justifying home-to-work transportation continue, the chief judge may approve a subsequent determination of not more than 90 days. If at the end of that period, the underlying circumstances continue to exist, the chief judge may authorize an additional extension of up to 90 days. This process may continue as long as required by the circumstances. [31 U.S.C. § 1344\(b\)](#), [\(d\)\(2\)](#).

§ 240.40.30 Procedures for Requesting Authorization

A disabled judge who requires home-to-work transportation to the courthouse should submit a written request to the respective chief judge. The request should contain the following information:

- (a) the judge's name, address, and telephone number;
- (b) the reason for requesting home-to-work transportation;

- (c) the anticipated duration of the home-to-work transportation; and
- (d) the compelling considerations that exist to make the transportation essential to the conduct of judicial business.

§ 240.40.40 Notification Requirement

Under [31 U.S.C. § 1344\(d\)\(4\)](#), notification of authorization or extension of home-to-work transportation for a disabled judge must be transmitted to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate within 60 calendar days of approval. Upon authorizing home-to-work transportation for a disabled judge, the respective chief judge should provide written notification to the Director of the AO, who will then transmit a report to these committees.

§ 250 Subsistence Expenses

§ 250.10 Actual Expenses or Per Diem Allowance

As discussed below, a judge may claim actual expenses of subsistence or a per diem allowance in lieu of actual expenses of subsistence.

§ 250.20 Actual Expenses of Subsistence

§ 250.20.10 In General

- (a) A judge may claim actual expenses for any period away from the judge's official duty station, including travel that does not involve an overnight stay. For an illustration on completing a travel voucher claiming actual expenses for travel that does not involve an overnight stay, **see:** [J-Net Travel page](#).
- (b) Where a judge elects to claim actual expenses for travel to a temporary duty station, the judge should compute his or her expenses under that system for the duration of the period at that location.
- (c) Should the judge proceed to a second temporary duty station, the judge may elect to claim reimbursement on either a per diem or actual-expenses-of-subsistence basis for travel to each temporary duty station. For an illustration on completing a travel voucher claiming both actual expenses and per diem, **see:** [J-Net Travel page](#).

§ 250.20.20 Itemization of Expenses

- (a) If a judge elects to claim reimbursement for subsistence expenses on an actual expenses of subsistence basis, each subsistence expense must be itemized for each calendar day of official travel, including the day on which the judge returns to the official duty station or residence from which he or she commutes to that duty station. For an illustration on completing a travel voucher claiming actual expenses including lodging, **see:** [J-Net Travel page](#).
- (b) The following expenses are considered items of subsistence and should be listed separately:
 - (1) Meals up to **\$115 per day** (including tax and gratuities) (**effective 1/1/12**).
 - (2) Lodging or daytime room rental (single occupancy rate if accompanied by spouse or dependent), exclusive of lodging taxes which are treated as a miscellaneous transportation expense under [§ 260](#).
 - (3) Tips and gratuities at hotels, exclusive of tips for handling personal and official baggage which are reported as a miscellaneous transportation expense under [§ 260](#).
 - (4) Transportation to obtain meals.
- (c) A judge may not be reimbursed for the purchase of alcoholic beverages or for the cost of entertainment.

§ 250.20.30 Maximum Daily Rates for Travel Within the Continental United States and Reimbursement of Meals

- (a) Subject to § 250.20.20(b)(1), for travel within the continental United States, a judge may claim reimbursement for actual subsistence expenses of up to **\$397 per day (effective 1/28/10)**, or up to 150 percent of the authorized per diem rate for the locality where temporary duty is performed, whichever is higher. For a list of the applicable locality per diem rates within the continental United States, **see:** [GSA webpage on Per Diem Rates](#).
- (b) When a judge is required to attend a meeting of the Judicial Conference, its committees or subcommittees, a circuit judicial conference, or a

meeting of a circuit judicial council or its committees, the judge may claim reimbursement for the actual cost of meals up to **\$150 per day**, including tax and gratuities (**effective 1/1/12**).

§ 250.20.40 Maximum Daily Rates for Travel Outside the Continental United States

For travel outside the continental United States, a judge may claim reimbursement for actual expenses incurred using the greater of the following allowances:

- (a) maximum daily rate of **\$397 per day (effective 1/28/10)**;
- (b) 150 percent of the authorized per diem allowance for the area; or
- (c) \$50 plus the applicable authorized per diem allowance.

§ 250.20.50 Circumstances Warranting Authorization of Higher Subsistence Expense Reimbursement Rates

- (a) Assignments of More Than 30 Consecutive Days

Subject to § 250.20.20(b)(1), where a judge holds court away from the judge's official duty station under [28 U.S.C. chapter 13](#), for more than 30 consecutive days, the judge may ask that the Director of the AO, with the concurrence of the appropriate chief judge, authorize a higher actual subsistence reimbursement rate (not to exceed 300 percent of the maximum per diem rate prescribed for the area) than is provided under [§ 250.20.20](#) and [§ 250.20.30](#). Any such request must be made in writing and describe the circumstances justifying an increased rate.

Note: Where a judge's travel assignment involves an extended period at a temporary duty station, it may be advantageous to the judiciary for the judge to rent a room, apartment, house or other lodging. Where a judge obtains such lodging, reimbursement will be paid in accordance with the provisions of [§ 250.20.70](#).

- (b) Special or Unusual Circumstances

The Director, or the Executive Committee of the Judicial Conference acting at the behest of the Director, may authorize a judge an actual subsistence expense reimbursement not to exceed 300 percent of the applicable maximum per diem rate where special or unusual circumstances in the travel area (such as a natural disaster) result in an extreme increase in subsistence costs for a temporary period or otherwise cause the ordinary maximum allowance to become inadequate to cover

reasonable expenses. Any such request should be made in writing and should describe the circumstances that justify an increased rate. Similarly, a judge with a special need (e.g., physical disability) may request an actual subsistence expense reimbursement not to exceed 300 percent of the applicable maximum per diem rate, where the daily subsistence allowance for judges who itemize is inadequate to cover the cost of a hotel room that is accessible or otherwise equipped for physically disabled persons.

Consistent with [§ 250.20.20\(b\)\(1\)](#), a judge may be reimbursed for the actual expense of meals up to **\$115 per day**, including tax and gratuities (**effective 1/1/12**); however, the Director may authorize an exception to this limitation when there is actual evidence that the referenced “special or unusual circumstances” in the travel area have resulted in an increase in the cost of meals.

§ 250.20.60 Reimbursement for Subsistence Expenses Incident to an Authorized Judicial Meeting Held at a Judge’s Official Duty Station

- (a) A judge who attends an authorized judicial meeting held in the city where the judge’s official duty station is located may, if such expenses would be reimbursable in connection with a meeting held in another location, be reimbursed for the actual cost of meals incidental to the meeting, provided that the judge’s attendance at the meal function is necessary to full participation in essential formal discussions, lectures or speeches concerning the business of the meeting.
- (b) The expense of meals incident to authorized judicial meetings held at the official duty station should be reasonable and should reflect the nature of the function. Consistent with [§ 250.20.20\(b\)\(1\)](#), a judge may be reimbursed for the actual expense of meals up to **\$115 per day**, including tax and gratuities (**effective 1/1/12**); however, in those instances where a judge attends a circuit judicial conference at the official duty station, the judge may claim reimbursement for the actual cost of meals up to **\$150 per day**, including tax and gratuities (**effective 1/1/12**).
- (c) By referring to this provision on any voucher claiming such meals, the judge certifies compliance with these criteria.

Note: From an Internal Revenue Service perspective, for meals to qualify as a reimbursable business expense, they must be ordinary and necessary and not lavish and/or extravagant.

§ 250.20.70 Reimbursement for Subsistence Expenses Where a Judge Rents or Maintains an Abode**(a) Reimbursement of Rental, Mortgage and Utility Expenses**

When a judge performs official duty at a place other than his or her official station and rents or maintains an abode at the temporary duty location, claims for lodging expenses are to be prorated based on the average daily cost. Except as provided below in [§ 250.20.70\(b\)](#) and [§ 250.20.70\(c\)](#), monthly rental or mortgage expenses (excluding principal payments) plus the cost of utilities (including basic monthly telephone charges) divided by the number of days in the month equals the amount to be claimed for the lodging portion of subsistence each day while in an official travel status.

(b) Weekly or Monthly Rentals

Where a judge rents an abode by the week or month and the rental will be less than the expense of acceptable hotel or motel accommodations for the anticipated duration of temporary duty, the amount claimed for daily lodging may be the weekly or monthly rental expenses divided by the actual number of days for which lodging expenses may be claimed.

(c) Reimbursement for Long-Term Lodging Costs Where Official Business Is the Principal Reason for Renting or Maintaining an Abode

If official business is the primary purpose for continually renting or maintaining an abode on an annual basis at a place where the judge intermittently but recurrently performs temporary duty, other than the regular residence from which the judge commutes to his or her official station, the amount claimed for daily lodging may be the monthly rental or mortgage expenses, including utilities, as described above in [§ 250.20.70\(a\)](#) and [§ 250.20.70\(b\)](#), divided by the actual number of days for which lodging expenses may be claimed. In lieu of the prorated cost of lodging under this provision (i.e., [§ 250.20.70\(c\)](#)), a judge may elect to claim a per diem allowance, consistent with [§ 250.30](#), below, provided it is the lesser of the two amounts.

(d) Limitations on Claims for Lodging

Claims for lodging under [§ 250.20.70\(b\)](#) and [§ 250.20.70\(c\)](#), above, must be limited to the lesser of (a) the results of the cited proration, or (b) the daily cost of lodging that would otherwise have been incurred for a single room at a hotel or motel at the temporary duty station that is used, or is

substantially equivalent to one used, by other judges on official travel in the same or a comparable locale.

§ 250.30 Per Diem Allowance

§ 250.30.10 In General

Subject to [§ 250.40](#), below, a judge may claim a per diem allowance where the judge's travel involves an overnight absence from his or her official duty station. This allowance is a daily payment and is in lieu of actual subsistence expenses under [§ 250.20](#).

§ 250.30.20 Travel Within the Continental United States

The GSA per diem rates for localities within the continental United States may be found on the [GSA webpage on Per Diem Rates](#). For an illustration on completing a travel voucher claiming per diem, **see:** [J-Net Travel page](#).

§ 250.30.30 Travel Outside the Continental United States

The per diem rates for localities outside the continental United States are established - by the Secretary of State. **Note:** These rates are established by the U.S. Department of State and may be found on its [Per Diem Rates webpage](#). For the day on which the judge returns to the official duty station or residence, the judge may claim the meals and incidental expense rate for the temporary duty point as the per diem allowance.

§ 250.30.40 Actual Lodging Cost plus the Standard Meals and Incidental Expenses Allowance

In lieu of claiming a per diem allowance for the locality where temporary duty is performed under [§ 250.30.10](#) above, a judge may claim the cost of lodging plus the maximum GSA per diem allowance for meals and incidental expenses, currently **\$71**, provided that the sum total does not exceed 150 percent of the authorized per diem allowance. For an illustration on completing a voucher using this method, **see:** [J-Net Travel page](#).

§ 250.40 Payment of Subsistence Expenses Where No Lodging Expenses are Incurred

§ 250.40.10 Where a Judge Stays with Family or Friends

Where a judge does not incur a lodging expense because he or she stays with family or friends, the judge may:

- (a) claim a per diem allowance for meals and other expenses of **\$71 (effective 10/1/09)**, or
- (b) itemize meals and other subsistence expenses up to a daily maximum of **\$100**.

§ 250.40.20 Lodging and/or Meals Provided by Government or Third Party

- (a) Lodging Only

When the government or a third party pays directly for a judge's lodging (e.g., a purchase order is used to procure lodging for a judge), the judge may claim the higher of the following —

- (1) a per diem allowance of **\$71 (effective 10/1/09)**, or
- (2) the actual cost of meals up to **\$115 per day (effective 1/1/12)**, including tax and gratuities, and other subsistence expenses, provided that the constructive cost of lodging, meals, and incidentals does not exceed the maximum daily rate of **\$397 per day (effective 1/28/10)**. (**Note:** When a judge is required to attend a meeting of the Judicial Conference, its committees or subcommittees, a circuit judicial conference, or a meeting of a circuit judicial council or its committees, the judge may claim reimbursement for the actual cost of meals up to **\$150 per day (effective 1/1/12)**, including tax and gratuities, provided that the constructive cost of lodging, meals, and incidentals does not exceed the maximum daily rate of **\$397 per day (effective 1/28/10)**.)

- (b) Lodging and/or Meals

When lodging and all three meals are provided by the government or a third party, the judge should claim only a minimal daily subsistence allowance, generally not to exceed **\$20**. In that case, the judge should itemize his or her expenses. When the government or a third party pays directly for one or more of a judge's meals on any given day, the judge should take an appropriate reduction in the judge's subsistence/per diem allowance. The judge's aggregate expenses may not exceed the applicable maximum daily subsistence allowance.

§ 250.40.30 Returning From Travel

On the day of return to a judge's official duty station or residence, a judge may:

- (a) claim a per diem allowance for meals and other expenses of **\$71 (effective 10/1/09)**, or
- (b) itemize meals and other subsistence expenses up to a daily maximum of **\$100**.

§ 250.40.40 Where a Judge Performs Same-Day Travel

Where a judge performs same-day travel, the judge may:

- (a) claim a per diem allowance for meals and incidental expenses (M&IE), based on the applicable GSA locality M&IE rate (available on the [GSA webpage on Per Diem Rates](#)); or
- (b) itemize meals and other subsistence expenses up to a daily maximum of **\$100**.

§ 250.50 Illness or Injury

The following rules apply to situations where a judge, while at a temporary duty location, suffers an illness or injury that prevents the judge from returning home.

§ 250.50.10 Continuation of Subsistence Allowances

- (a) When a judge, while on official travel, is incapacitated by illness or injury that occurs for reasons other than the judge's own misconduct, the judge may claim per diem or actual expenses of subsistence for a period of not more than 14 calendar days.
- (b) Should the period of illness or injury exceed 14 calendar days, the judge should request authorization for an extension of the subsistence allowance from the Director of the AO.
- (c) A judge seeking reimbursement under this provision should state that the claim was due to illness or injury.
- (d) In emergency situations, a judge may be reimbursed for the cost of return transportation to his official station or residence by a mode of travel that he would not have ordinarily utilized, such as an ambulance.

§ 250.50.20 Receipt of Payment From Other Federal Sources

If, while in travel status under circumstances described above in [§ 250.50.10](#), a judge receives hospitalization (or is reimbursed for hospital expenses) under any federal statute (including hospitalization in a Veterans Administration or military hospital) other than [5 U.S.C. §§ 8901-8914](#) (Federal Employees Health Benefits Program), the per diem allowance or actual expenses of subsistence will not be reimbursed for the period involved or, if reimbursed, will be repaid by the judge.

§ 260 Claims for Reimbursement

§ 260.10 Certification of Claims for Reimbursement

- (a) A judge may certify his or her own claim for reimbursement of travel expenses. The claim should be submitted on [Form AO 28 \(Travel Voucher for Justices and Judges of the United States\)](#) to the clerk of the district court or other officer authorized to disburse funds appropriated to the judiciary and must be supported by receipts, paid bills, or similar documentary evidence (submitted and attached) documenting expenses of lodging and any individual expenditure (e.g., for transportation, a meal, parking) of \$75 or more.
- (b) For judges who claim reimbursement for lodging, meals and incidental expenses at the GSA per diem rate applicable to the locality and for that period of time, no documentation is required to substantiate these specific expenses.

§ 260.20 Claiming Miscellaneous Subsistence-Related Expenses

Expenses of a miscellaneous nature that do not specifically fall within the category of subsistence may be reimbursable and should be entered under the column headed "Transportation and Other Expenses." These expenses include the following:

- (a) Taxi fares and tips to taxi drivers.
- (b) Road, bridge, and tunnel tolls.
- (c) Parking fees and tips to parking attendants (including tips for valet parking).
- (d) Fixed fees at transportation terminals.
- (e) Tips to porters and baggage handlers for personal and official baggage.

- (f) Rental of conference rooms or other facilities for official business meetings.
- (g) Fees for travelers checks in reasonable amounts.
- (h) Travel outside the United States.
 - (1) Passports, visas, and photographs.
 - (2) Certificates of birth, health, and identity.
 - (3) Inoculations.
- (i) Stenographic services and/or equipment rental.
- (j) Interpreters and non-government drivers of vehicles in certain localities.
- (k) Official telephone calls, faxes, and other communications (mark "official" on voucher).
- (l) Excess baggage charges for handling personal and official baggage.
- (m) Charges for transfer, checking, and storage of baggage.
- (n) Fees incurred when using the government-sponsored credit card to obtain cash advances.
- (o) Supplies such as paper, batteries, and other incidental expenses.
- (p) Charges for photocopying.
- (q) Laundry, cleaning, and pressing.
- (r) Applicable lodging taxes. (**Note:** Judges when traveling on official business should seek an exemption from state or local lodging taxes where such an exemption is permitted by the jurisdiction.)

§ 260.30 Timely Submission of Claims

- (a) A judge must submit his or her claim for reimbursement within 90 days after the judge completes official travel.

- (b) If a judge is unable to file the claim within 90 days of return, the judge may write to the Director explaining why the voucher could not be filed in a timely manner and requesting an exception to this rule.
- (c) The Director may make an exception when necessary to meet special circumstances or in the best interest of the government.

§ 270 Reporting of Non-Case Related Travel

§ 270.10 General Provisions

§ 270.10.10 “Non-Case Related Travel”

This means travel undertaken by a judge:

- (a) that is not directly related to any case or cases assigned to the judge;
- (b) that involves judicial administration, training, education, and extra-judicial activities as permitted by law and encouraged by the Code of Conduct for United States Judges; and
- (c) for which the necessary transportation, lodging, and miscellaneous expenses incurred by the judge are paid for directly or by reimbursement to the judge, by another person, an organization, or an agency of the federal government.

Note: The term “non-case related travel” does not include personal vacation travel. It does not include any travel the expenses of which are paid for by the judge, the judge’s spouse, or a member of the judge’s immediate family, provided payment is made from the payer’s personal funds without reimbursement from any source. It also does not include:

- travel furnished to the judge as a matter of personal hospitality; or
- travel the expenses of which are paid by a foreign government for travel in that government’s country, or paid by the District of Columbia, a state or local government, or a subdivision thereof.

§ 270.10.20 Reporting

On or before May 15th of each year, each judge shall prepare and file a report disclosing the “non-case related travel” undertaken by the judge during the previous calendar year, utilizing the Judges’ Non-Case Related Travel Reporting System, which may be found on the J-Net’s [InfoWeb](#).

§ 270.10.30 Filing

- (a) United States circuit judges shall file their reports with the chief judges of their respective courts of appeals.
- (b) United States district judges, United States bankruptcy judges, and United States magistrate judges shall file their reports with the chief district judges of their respective districts.
- (c) The judges of the United States Court of International Trade, the judges of the United States Court of Federal Claims, and the judges of the territorial district courts shall file their reports with their respective chief judges.
- (d) Each chief judge shall prepare his or her own individual report, and shall forward that report and those received by the chief judge from other judges to the Director of the AO by June 1st of each year. The Director shall consolidate by circuit and district the reports submitted under this regulation into a consolidated report to the Congress on or before July 15th of each year.

§ 270.20 Commentary

- (a) The Judicial Conference of the United States adopted a resolution at its March 1999 meeting directing the Committee on the Judicial Branch to prepare a proposed amendment to the Travel Regulations for Justices and Judges of the United States which would substantially incorporate, for the purpose of reporting all non-case related travel undertaken by a judge of the United States, the travel reporting requirements for members of the United States Senate. **See:** [JCUS-MAR 99](#), p. 20.

Effective October 1, 1999, this regulation applies to circuit judges, district judges, judges of the United States Court of International Trade, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and judges of the territorial district courts.

- (b) Examples of Non-Case Related Travel That Must Be Reported

For purposes of this regulation, a judge must report

- (1) travel to attend a meeting of the Judicial Conference and its committees;
- (2) travel to attend a circuit judicial conference or to attend a meeting planning such a conference;

- (3) travel to attend meetings of circuit judicial councils or their committees;
 - (4) travel to attend meetings of the district courts and their committees;
 - (5) travel to attend meetings of bankruptcy judges or to attend bankruptcy court committee meetings;
 - (6) travel to attend educational seminars or programs sponsored by the FJC or any other sponsor;
 - (7) travel to meetings sponsored by bar associations or any other group, including judges' organizations and professional societies (unless the judge pays for the expenses of the travel out of the judge's personal funds and is not reimbursed in any way for the expenses);
 - (8) travel performed under the auspices of or at the request of any non-judicial branch agency of the federal government;
 - (9) travel undertaken to attend meetings held at, sponsored, or organized by the AO;
 - (10) travel to participate in moot courts or to lecture;
 - (11) travel to attend sentencing institutes or to visit prisons; and
 - (12) any other travel undertaken in the discharge of the duties and responsibilities of the judge's office that cannot be identified with a particular case or cases assigned to the judge.
- (c) Examples of Non-Reportable Non-Case Related Travel
- (1) A judge who travels to a meeting of a bar association and pays the cost of his or her own travel should not report such travel. A judge who travels to attend an event such as a college reunion or a reunion of an amateur sports team should not report such travel even if it is reimbursed by a third party. For purposes of these regulations, such is considered not to involve the discharge of the duties and responsibilities of the judicial office.
 - (2) Travel undertaken by a chief judge in the discharge of his or her administrative or supervisory responsibilities should not be reported.

§ 280 Evacuation, Safe Haven, and Other Special Allowances

§ 280.10 Authority

The provisions of [§ 280](#) are authorized under [28 U.S.C. §§ 456](#) and [604\(a\)\(7\)](#); [5 U.S.C. §§ 5702](#) and [5725](#). *Cf.* [5 CFR 550.401, et seq.](#)

§ 280.20 General Provisions and Definitions

§ 280.20.10 Evacuation

Under [§ 280](#), evacuation, safe haven, and other special allowances may be paid to a judge and the judge's dependents, in the event of an evacuation caused by unusual or emergency circumstances such as a national or natural disaster, epidemic, or similar conditions of comparable magnitude.

§ 280.20.20 Eligibility

To be eligible for evacuation, safe haven, and other special allowances, a judge must be under a standing mandatory evacuation order as declared by federal, state, or local government authorities to evacuate a location where there is imminent danger to the judge's life or the lives of the judge's dependents.

§ 280.20.30 Authorization of Evacuation, Safe Haven, and Other Special Allowances

The Director of the Administrative Office may approve evacuation, safe haven, and other special allowances when a mandatory evacuation order has been declared by federal, state, or local government authorities. These allowances are intended to enable courts to promptly establish alternate work locations and the resumption of normal court operations as early as possible in the wake of a disaster.

§ 280.20.40 Definitions

(a) Dependents

Consistent with [41 CFR part 300-3.1](#), a relative of an evacuated judge residing with the judge prior to the evacuation and dependent on that judge for support.

(b) Home

A judge's primary place of residence, which would include a single family home, town house, apartment, etc., that the judge owns or rents.

(c) Safe Haven

Any location in the continental United States that a judge designates, which is within a reasonable distance of the court's alternative work location unless a more distant location would be more economical.

(d) Uninhabitable

A home is considered to be "uninhabitable" if it does not have power, potable water, or if it has other deficiencies that render occupancy a risk to health and safety (e.g., obstructions that prevent access to the home).

§ 280.30 Reimbursable Expenses

§ 280.30.10 Travel Reimbursements While En Route to a Safe Haven under an Officially Ordered Evacuation

Judges and their dependents who are ordered to evacuate their permanent duty station to a "safe haven" may claim reimbursement for transportation, lodging, and subsistence expenses incurred during the period of evacuation beginning with the date of departure from the evacuated area through the date of arrival at the safe haven. A judge may elect an alternate safe haven for the judge's dependents. Under [§ 280.30](#), subsistence allowances will be payable as follows:

(a) Judges

A judge may claim reimbursement for lodging and subsistence expenses in accordance with [§ 250](#). A judge may elect to claim lodging and subsistence expenses using one of the following methods:

- (1) the maximum daily subsistence allowance for judges who itemize their expenses;
- (2) the applicable per diem for the location;
- (3) the cost of lodging plus the flat standard meals and incidental expenses (M&IE) rate, up to 150 percent of the authorized per diem allowance; or

- (4) actual expense reimbursement up to 300 percent of the applicable per diem rate for the location (if authorized under [§ 250.20.50\(b\)](#)).

- (b) Dependents Age 12 or Older

Dependents age 12 or older may be paid 100 percent of the applicable per diem rate, consistent with the [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#), for the safe haven.

- (c) Dependents Under the Age of 12

Dependents under the age of 12 may be paid 50 percent of the applicable per diem rate, consistent with the [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#), for the safe haven.

- (d) Miscellaneous personal expenses

During the initial period of evacuation, the Director or the Director's designee will provide guidance regarding judges' entitlement to claim reimbursement for miscellaneous personal expenses such as those listed below. In the event reimbursement is authorized, these items should be claimed on the judge's travel voucher:

- (1) air mattress, folding cots and portable beds;
- (2) sleeping bags, blankets, sheets and pillows;
- (3) towels, wash cloths, sanitizing wipes/cloths and paper towels;
- (4) flashlights and batteries; and
- (5) radio.

§ 280.30.20 Travel Reimbursements Upon Arrival at the Safe Haven

- (a) Following arrival in the safe haven, a judge may claim reimbursement for lodging and subsistence expenses in accordance with [§ 280.30.10](#), above.
- (b) Similarly, dependents may be paid a per diem allowance in accordance with [§ 280.30.10](#), above, except that after 30 days the maximum rate payable to dependents may be reduced by 40 percent.

- (c) These allowances may be paid for a period not to exceed 180 days after the effective date of the order to evacuate.

§ 280.30.30 Subsequent Emergency Situations

If a judge is at a safe haven location and is evacuated a second time (to another safe haven) because of a subsequent emergency situation, the Director may extend the judge's safe haven allowances for an additional period of up to 180 days.

§ 280.30.40 Return to the Permanent Duty Station From Safe Haven

- (a) If, following an evacuation, a judge must return to the judge's permanent duty station to perform judicial business and the home the judge resided in prior to the evacuation is uninhabitable, the judge may be reimbursed for lodging and M&IE while the judge performs official business at the permanent duty station for a period of up to 180 days.
- (b) Similarly, lodging and M&IE may be paid to the judge's dependents at the permanent duty station or safe haven for up to 180 days.
- (c) Temporary duty travel entitlements payable under [§ 250](#) are **not** payable under these circumstances because the judge is not in temporary duty status. Also note that if a judge returns to the judge's permanent duty station from the judge's safe haven and the judge's home is habitable, then the judge would **not** be entitled to lodging and M&IE. In this case, the judge's return to the judge's permanent duty station would result in the termination of the judge's and, depending upon the circumstances, the dependents' safe haven allowances.

§ 280.40 When No Lodging Expense Is Incurred

§ 280.40.10 General Rule

- (a) When a judge and/or a judge's dependents stay with family or friends or otherwise do not incur lodging costs, the judge may be reimbursed for only meals and incidental expenses in accordance with [§ 250.40](#).
- (b) If authorized, the judge may claim an allowance not to exceed 300 percent of the applicable M&IE rate in lieu of the allowance provided under [§ 250.40](#).
- (c) The judge's dependents may claim no more than the applicable M&IE rate for the locality.

§ 280.40.20 Exception

Where a judge's host can demonstrate that his or her expenses (e.g., utilities, phone, internet connectivity) increased as a direct result of boarding the judge, then the judge may be reimbursed to pay for the additional expenses of the host.

Guide to Judiciary Policy

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§ 310 Authority, Applicability, and General Rules

§ 310.10 Authority

Under [5 U.S.C. chapter 57](#) and [41 CFR 302-1, et seq.](#), the judiciary is authorized to pay the relocation expenses of a judge as provided below.

Note: While Congress has by statute authorized the Director of the Administrative Office (AO) to regulate judges' travel with Judicial Conference approval, the judiciary has more limited discretion to fix the terms and conditions of relocation allowances in a manner different from executive branch agencies.

§ 310.20 Applicability

These regulations apply to:

- justices and judges of the United States;

- United States bankruptcy judges;
- judges of the United States Court of Federal Claims;
- judges of the territorial district courts; and
- United States magistrate judges, except clerks of court and deputy clerks of court who are authorized to perform magistrate judge duties.

§ 310.30 General Rules

§ 310.30.10 Service Agreement

Under [5 U.S.C. § 5724\(i\)](#), a federal employee who receives relocation allowances must agree to remain in government service for 12 months after the effective date of transfer, or face recovery by the government of the allowances paid unless separation occurs for reasons beyond the employee's control. Payment of expenses will be allowed only after a judge acknowledges these service requirements.

§ 310.30.20 Authorization of Reimbursement for Relocation Expenses

- (a) Determinations regarding a circuit or district judge's entitlement to applicable relocation allowances (under [§ 320](#)) shall be made by the chief judge, as defined below in [§ 310.50\(c\)](#), with the concurrence of the circuit judicial council.
- (b) In the case of a chief district judge, the determination shall be made by the chief judge of the circuit with the concurrence of the circuit judicial council.
- (c) In the case of a chief circuit judge, the determination shall be made by the Executive Committee of the Judicial Conference.
- (d) The Chief Justice shall self-certify his or her relocation expenses.
- (e) Determinations regarding the entitlement of a judge commissioned to a court of national jurisdiction shall be made by the chief judge of the court.
- (f) When it is determined that a judge will be relocated at judiciary expense, the chief judge will issue a written travel authorization indicating the specific allowances authorized.

§ 310.30.30 Time Limits for Completing Relocation-Related Travel

- (a) All travel, including that for the immediate family, and transportation, including household goods, must be accomplished no later than two years after the effective date of the judge's transfer or appointment, as relevant.
- (b) Where a judge is authorized reimbursement for expenses associated with residence transactions under [§ 330.10.35](#), the chief judge, with the concurrence of the circuit judicial council, may authorize a one-year extension of this period.

§ 310.30.40 Advance of Funds

A judge may receive advance funds from the AO Travel Management Office for use in defraying, as they are incurred, certain travel and other expenses for which the judge is entitled to reimbursement under these regulations. Generally, a judge may be advanced funds for the following relocation expenses:

- (a) per diem, mileage, and common-carrier costs incident to a change of station or house-hunting trip;
- (b) temporary quarters subsistence allowance;
- (c) transportation and temporary storage (commuted rate) of household goods;
- (d) transportation of a mobile home; and
- (e) transportation and storage of a privately owned vehicle.

Note: No funds may be advanced for residence transactions or non-temporary storage of household goods.

§ 310.40 Claims for Reimbursement

A judge must submit his or her voucher requesting reimbursement for travel and other relocation expenses to the AO Travel Management Office.

§ 310.50 Definitions

- (a) Actual Expense Method

Refers to a method for transporting a judge's household goods under which the judiciary is responsible for awarding contracts and for other

negotiations with carriers, the judge's property is shipped on a government bill of lading, and the judiciary pays transportation costs directly.

(b) Applicable Per Diem Rate

For relocation-related travel in the conterminous United States, this refers to the General Services Administration (GSA) standard continental United States (CONUS) rate (currently fixed at **\$116 (effective 10/1/2009)**). For relocation-related travel outside the conterminous United States, the applicable per diem rate is the locality rate established by the Secretary of Defense or the Secretary of State under [41 CFR 301-11.6](#). **See:** [Per Diem/Subsistence page](#).

Note: Under this chapter, judges do not receive the travel allowances authorized under [Guide, Vol 19, Ch 2 \(Travel Regulations for Justices and Judges\)](#).

(c) Chief Judge

Except as otherwise provided, refers to the Chief Justice and the chief judge of the court of appeals, district court, Court of International Trade, Court of Federal Claims, or territorial district court on which the relocating judge serves.

Note: For purposes of authorizing bankruptcy judges' relocation allowances, the chief district judge is the "chief judge."

(d) Commuted Rate System

Refers to a method for transporting a judge's household goods under which the judge makes his or her own arrangements for transportation between points within the continental United States, and the judge is reimbursed by the judiciary in accordance with schedules of commuted rates compiled by GSA.

(e) Household Goods

Refers to all personal effects and all personal property associated with the home of a judge and the judge's immediate family, which can be legally accepted and transported by an authorized commercial carrier in accordance with the rules and regulations established or approved by an appropriate federal or state regulatory authority.

(f) Immediate Family

Refers to any of the following named members of the judge's household at the time the judge reports for duty at the new permanent duty station:

- (1) spouse;
- (2) children of the judge or judge's spouse who are unmarried and under 21 years of age or who are, regardless of age, physically or mentally incapable of self-support;
- (3) dependent parents of the judge or judge's spouse; and
- (4) dependent brothers and sisters (including step- and legally adopted brothers and sisters) of the judge or judge's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support.

(g) Professional Books, Papers, and Equipment

Refers to professional or specialized items and other materials that are personally owned by the judge for use in the performance of official duties. The term does not include:

- bookcases;
- file cabinets;
- desks; and
- racks of any kind even though used in connection with the professional books, papers, and equipment.

(h) Temporary Quarters

Refers to lodging obtained for the purpose of temporary occupancy from a private or commercial source.

(i) Temporary Storage

Refers to storage of household goods for a limited period of time at origin, destination or en route in connection with transportation to, from, or between official duty stations.

§ 320 Eligibility Conditions

§ 320.10 Transfer of a Judge's Duty Station

A judge will be paid an applicable relocation allowance where the chief judge determines that:

- (a) the transfer of official duty station is in the interest of the administration of justice and not primarily for the convenience or benefit of the judge, and
- (b) the relocation is incident to the change of official station.

§ 320.10.10 Transfer in the Interest of the Administration of Justice

The following factors are relevant to a determination of whether a judge's transfer is in the interest of the administration of justice:

- (a) A transfer may be considered to be in the interest of the administration of justice where a circuit judicial council determines that the public interest and the nature of the business of a court require that a judge should maintain his or her abode at or near a particular place of holding court.
- (b) A transfer is not considered to be in the interest of the administration of justice where a judge has taken the initiative in requesting the transfer. In such a case, the transfer is considered to be for the convenience of the transferring judge.

§ 320.10.20 Relocation Incident to a Change of Official Station

The chief judge should consider such factors as the relative commuting time and distance between the judge's old and new residences and duty stations in determining whether a relocation is incident to a change of official duty station.

- (a) **Commuting Distance**

Ordinarily, a relocation is not considered incident to a change of official station unless the one-way commuting distance from the old residence to the new official station is at least 10 miles greater than from the old residence to the old official station.

Note: This 10 mile figure is only a guideline, not an inflexible benchmark. When exceeded, it does not automatically entitle a judge to a determination that the move was incident to a transfer.

(b) Comparative Commuting Time

In determining whether a transferred judge's short-distance relocation is incident to the judge's change of duty station, a chief judge should consider the comparative commuting times between the judge's old residence and old duty station, the judge's old residence and new duty station, and the judge's new residence and new duty station.

Note: Where an employee's old and new duty stations were located 77 miles apart and the employee's residence from which he commuted daily 43 miles to the old station is located midway between the two stations, the fact that the employee chooses to relocate to the new station (a distance of 8 miles from the office) rather than continue to commute 45 miles daily, does not preclude a determination that the relocation was incident to transfer. [In the Matter of Harvey Knowles, B-193316 \(Comp. Gen. Mar. 12, 1979\)](#). On the other hand, where the relocation of employee's residence reduces the employee's commuting distance and time by only 3.9 miles and 12 minutes (the employee's new residence was 30.5 miles and 38 minutes from his new duty station), respectively, the move is not incident to transfer. [Matter of David E. Meisner, B-187162 \(Comp. Gen. Feb. 9, 1977\)](#).

§ 320.20 Newly Appointed Judicial Officers

§ 320.20.10 Federally Employed at Appointment

A newly appointed judge who was a federal employee at the time of appointment will be paid travel and transportation expenses and applicable relocation allowances as provided below in [§ 330.10](#), where the chief judge determines:

- (a) that the transfer of official duty station is in the interest of the administration of justice and not primarily for the convenience or benefit of the judge; and
- (b) in the case of a short distance transfer of official station, that the relocation is incident to the change of official station (applying the factors set forth above in [§ 320.10.20](#)).

It may be presumed that the determination by the appointing authority to fill a judgeship satisfies criterion (a).

Note: Under [5 U.S.C. §§ 5724](#) and [5724a](#), the change in the permanent duty station of a judge must be accomplished without a break in federal service of even one day. **See:** [Matter of Gregory A. Akers, B-197771 \(Comp. Gen. Aug. 11, 1981\)](#) (in approving the

retroactive adjustment of a law clerk's separation date to avoid a break in service, the Comptroller General stated that the Government Accountability Office has long held that a break in service of one work day renders a federal employee ineligible for certain relocation benefits).

§ 320.20.20 Not Federally Employed at Appointment

A newly appointed judge is eligible for limited transportation and travel allowances as provided below in [§ 330.20](#), where a chief judge makes a determination of eligibility applying the criteria set forth above in [§ 320.20.10](#).

§ 320.30 Senior Judges

A judge's relocation of his or her residence (and thus official station) upon taking senior status is assumed to be for personal convenience and not primarily to advance the interest of the administration of justice.

§ 330 Reimbursable Expenses

§ 330.10 Sitting Judges and New Appointees Federally Employed at Appointment

The allowances addressed below in [§ 330.10.10](#), [§ 330.10.15](#), [§ 330.10.35](#), [§ 330.10.45](#), and [§ 330.10.50](#) are established by GSA, and the judiciary has no discretion in fixing the amounts authorized a judge. For the remaining allowances discussed in this section, the judiciary has some discretion in fixing the amounts payable. In authorizing a judge's relocation, the chief judge must make a determination regarding allowable amounts.

§ 330.10.10 Travel by Judge and Members of Judge's Immediate Family

(a) Common Carrier Fare and Per Diem

A judge may be reimbursed for the fare for common carrier transportation for the judge and the judge's immediate family, and may be paid a subsistence allowance, at the following rates:

- (1) the judge may be paid the applicable per diem allowance (**see:** [§ 310.50\(b\)](#));
- (2) a judge may be paid on account of his or her spouse three-fourths of the rate to which the judge is entitled (except that, where a judge's spouse travels separately, he or she is authorized the per diem rate to which the judge is entitled);

- (3) for each other member age 12 or older, three-fourths of the rate to which the judge is entitled; and
- (4) each child under 12, one-half of the per diem rate to which the judge is entitled.

Note: Under this section, judges do not receive the travel allowances authorized under the, [Guide, Vol 19, Ch 2 \(Travel Regulations for Justices and Judges\)](#).

(b) Travel by Privately Owned Vehicle

If a judge determines to use his or her privately owned vehicle, reimbursement is based on the number of occupants in the automobile. Current GSA relocation mileage rates are contained in [41 CFR 302-4.300](#) and relevant FTR Bulletins. The per diem allowances prescribed above in § 330.10.10(a) apply.

§ 330.10.15 Miscellaneous Expense Allowance

(a) Purpose of Allowance

The purpose of the miscellaneous expense allowance is to defray various contingent costs associated with discontinuing residence at one location and establishing residence at a new location in connection with an authorized permanent change of duty station. This allowance defrays expenses such as the following:

- disconnecting and connecting appliances;
- equipment and utilities;
- utility fees or deposits that are not offset by refunds;
- changing automobile and driver's licenses; or
- registrations.

(b) Allowable Amount

(1) In General

A judge will be paid an allowance in the following amounts without documentation of expense:

- (A) a judge without dependents will be paid an allowance in the amount of \$350; and

(B) a judge with dependents will be paid an allowance in the amount of \$700.

(2) Maximum

A chief judge may authorize an amount in excess of that provided for above in § 330.10.15(b)(1), provided the aggregate amount does not exceed the basic pay of one week of a GS-13 employee — if the judge is without dependents — or two weeks' basic pay of a GS-13 employee — if the employee has dependents. If a judge claims an amount in excess of that authorized above in § 330.10.15(b)(1), his or her claim must be supported by paid bills or other evidence justifying the entire amount claimed.

§ 330.10.20 Transportation of Household Goods

(a) General Limitations

The maximum weight of household goods that will be transported or stored at judiciary expense is limited to 18,000 pounds.

(b) Temporary Storage Limit

The time allowable for temporary storage in connection with an authorized shipment of household goods will not exceed a period of 90 days. Upon a judge's written request, the chief judge may authorize the extension of the initial 90-day period for an additional period not to exceed 90 days. Justification for an additional storage period may include, but is not limited to, the following reasons:

- (1) an intervening temporary duty assignment;
- (2) non-availability of suitable housing;
- (3) completion of residence under construction;
- (4) serious illness of employee or illness or death of a dependent; or
- (5) strikes, acts of God, or other circumstances beyond the control of the employee.

(c) Method of Shipment

(1) Transportation Inside the Continental United States

If reimbursement for the shipment of household goods is authorized and both the point of origin and new duty station are within the conterminous United States, the method of shipment to be used, commuted rate or actual expense, is left to the discretion of the chief judge. In determining which method to authorize, a chief judge may consider any of the following factors:

- (A) the relocated judge's individual circumstance;
- (B) the ability of the court to assume responsibility for the move under the actual expense method; and
- (C) a cost comparison between the methods.

(2) Transportation Outside the Continental United States

(A) Weight Limitation

The maximum weight provided for above in [§ 330.10.20\(a\)](#) is applicable; however, where furnished or partly furnished quarters are to be provided outside the continental United States (in the case of a transfer to such a station) or have been provided (in the case of a return to the continental United States), the chief judge must make an appropriate reduction in the weight of household goods that may be authorized for shipment at judiciary expense.

(B) Allowable Costs

Transportation authorized under this section will be on an actual expense basis. Actual expenses include the following:

- costs of transportation of household goods;
- packing and crating (including packing and crating materials and temporary containers);
- unpacking; and
- other necessary accessorial charges within applicable limits.

§ 330.10.25 Allowance for House-Hunting Trip Expenses**(a) Location of Duty Stations**

If a judge is transferring within the continental United States and the move is over 75 miles, the judge and the judge's spouse may be authorized one house-hunting trip, not to exceed 10 calendar days.

(b) Reimbursement for Judge and Judge's Spouse

The judge and his or her spouse may perform separate house-hunting trips; however, the judge's reimbursement will be limited to the cost that would have been incurred if the judge and spouse had traveled together on one trip. The judge may be paid a subsistence allowance at the applicable per diem rate (**see: § 310.50(b)**), and the judge may be paid on account of his or her spouse three-fourths of the rate to which the judge is entitled. Where a judge's spouse travels unaccompanied and the judge does not claim reimbursement for a house-hunting trip, the judge may be paid on account of his or her spouse the per diem rate to which the judge is entitled.

Note: Under this section, judges do not receive the travel allowances authorized in the [Guide, Vol 19, Ch 2 \(Travel Regulations for Justices and Judges\)](#). It should also be noted that the use of common carrier transportation is encouraged unless the new duty station is less than five hundred miles from the prior duty station.

§ 330.10.30 Subsistence While Occupying Temporary Quarters**(a) Authorization of a Temporary Quarters Subsistence Allowance**

A chief judge may authorize subsistence expenses for a judge and the judge's immediate family while occupying temporary quarters when the new duty station is located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Commonwealth of the Northern Mariana Islands.

(b) Limitations

If a judge is authorized a temporary quarters subsistence allowance, the judge is permitted these expenses in 30-day increments for no more than a total of 120 days.

Note: If a judge is authorized to claim reimbursement for expenses under the fixed amount method (**see:** § 330.10.30(c)(2)), the judge will only be permitted reimbursement for up to 30 days. No extension beyond a 30-day period is allowed under that method.

(c) Methods for Reimbursement for Temporary Quarters Subsistence Allowance

(1) Actual Expenses Method

Reimbursement for temporary quarters expenses is based on the actual subsistence expenses incurred and itemized. It may not exceed prescribed maximum amounts for the judge and each family member based on the applicable per diem rate (**see:** [§ 310.50\(b\)](#)).

(A) First 30 Days of Temporary Quarters

The maximum daily amount for the first 30 days of temporary quarters for a judge and/or a judge's unaccompanied spouse is the applicable per diem rate; for an accompanying spouse and/or child 12 years or older it is 75 percent of the rate to which the judge is entitled; for a child under twelve it is 50 percent of the rate to which the judge is entitled.

(B) For Any Additional Days of Temporary Quarters

The maximum daily amount for any additional days of temporary quarters:

- (i) for a judge and/or a judge's unaccompanied spouse, it is 75 percent of the applicable per diem rate;
- (ii) for an accompanying spouse and/or child 12 years or older, it is 50 percent of the rate to which the judge is entitled;
- (iii) for a child under 12, it is 40 percent of the rate to which the judge is entitled.

(C) Reimbursement for Local Transportation Expenses

A judge is not entitled to reimbursement for the cost of local transportation while occupying temporary quarters. A judge may, however, be reimbursed under the "Travel Regulations for United States Justices and Judges," [Guide, Vol 19, § 240.30.10](#), for necessary transportation expenses if the judge performs local official business travel while occupying temporary quarters.

(2) Reimbursement Under the Fixed Amount Method

Under this method a judge will be reimbursed for a fixed amount up to 30 days using the following formula: The judge will be paid 75 percent of the applicable per diem rate. The judge will be paid on account of each member of the judge's immediate family 25 percent of the rate to which the judge is entitled.

§ 330.10.35 Allowance for Residence Transactions

(a) Reimbursement for the Sale of a Residence at the Old Duty Station

A judge will be reimbursed for the following expenses required to be paid by the judge in connection with the sale of a residence at the old duty station:

- (1) Broker's fees or real estate commission paid by the judge for services in selling the judge's residence, not in excess of rates generally charged for such services by the broker or by brokers in the locality of the old duty station.

Note: No such fee or commission is reimbursable in connection with the purchase of a home at the judge's new duty station.

- (2) Costs of newspaper, multiple-listing services, or other advertising for sale of the residence at the old duty station if the judge has not paid for such services in the form of a broker's fee or real estate agent's commission.
- (3) Customary costs of appraisals.
- (4) Legal and related expenses (for document preparation and closing the transaction).

- (5) Prepayment fee on mortgage.
- (6) Tax certification fee — to establish that the title is free of real estate taxes.
- (7) Title transfer taxes.
- (8) State revenue stamps.
- (9) Notary fees.
- (b) Reimbursement for the Purchase of a Residence at the New Duty Station

A judge will be reimbursed for the following expenses required to be paid by the judge in connection with the purchase of a residence at the new duty station:

- (1) Loan origination fee not to exceed 1% of the amount of the loan.
- (2) Loan transfer fee or loan assumption fee (if assessed in lieu of loan origination fee).
- (3) FHA or VA loan application fees.
- (4) Cost of preparing credit reports.
- (5) Lender's inspection fee.
- (6) Legal and related expenses (for title search, title insurance binder, preparation of abstracts, conveyances, contracts, and deeds).
- (7) Lender's title insurance if required by the lending institution.
- (8) Recording fees for deed and mortgage.
- (9) Mortgage and transfer taxes and state revenue stamps on mortgage.
- (10) Cost of owner's coverage title insurance policy if seller is customarily required to furnish such a policy to the new owner.
- (11) Notary fees.

Note: No broker's fee or real estate commission is reimbursable in connection with the purchase of a home at the judge's new duty station

(c) Overall Limitations

The amount of reimbursable expenses may not exceed 10 percent of the actual sale price of the residence at the old station and 5 percent of the actual purchase price of the residence at the new duty station.

(d) Settlement of an Unexpired Lease

A judge may be reimbursed for the expenses incurred in settling an unexpired lease (including month-to-month rental) for residence quarters occupied by the judge at the old official station, including broker's fees for obtaining a sublease or charges for advertising an unexpired lease.

§ 330.10.40 Transportation of a Privately-Owned Vehicle

(a) Continental United States

A judge may be reimbursed for the cost of transportation for his or her privately owned vehicle within the continental United States only where the chief judge determines it to be advantageous to the administration of justice. In making this determination, the chief judge must consider whether it is more cost effective to transport the vehicle to the judge's new duty station, and to pay for transportation for the judge and the judge's dependents by commercial means, than for the judge or an immediate member of the judge's family to drive the vehicle to the new official station.

(b) Outside the Continental United States

A chief judge may authorize the transport of a judge's privately owned vehicle to an official station outside the continental United States.

§ 330.10.45 Relocation Income Tax Allowance

A judge will be reimbursed for additional federal, state, and local income taxes incurred by the judge, or the judge and spouse if a joint tax return is filed, based on receipt of an allowance or reimbursement from the judiciary for certain travel, transportation or relocation expenses, or receipt of payment in kind for expenses for which reimbursement or an allowance is provided by the judiciary.

§ 330.10.50 Transportation of a Mobile Home or Boat

A judge who is entitled to transportation of household goods at judiciary expense under [§ 330.10.20](#) may elect, in lieu of such transportation, an allowance for the transportation of a mobile home or boat within the continental United States, within Alaska, or between Alaska and the continental United States. In that case, the judge will also receive an allowance for per diem, mileage, and transportation expenses as set forth above in [§ 330.10.10](#) and [§ 330.10.15](#).

§ 330.10.55 Relocation Services

The Judicial Conference has determined that the use of private firms to provide relocation services to transferred employees is not cost effective.

§ 330.10.60 Home Marketing Incentive Programs

The Judicial Conference has determined that it is not in the judiciary's interest to offer a home marketing incentive program.

§ 330.20 Newly Appointed Judges Not Federally Employed at Appointment

Newly appointed judges who are not federal government employees at the time of appointment are eligible for payment only of those travel and transportation expenses listed below in relocating to their first official station:

§ 330.20.10 Travel by Judge and Members of Judge's Immediate Family

(a) Judge's Allowance for Common Carrier Fare and Per Diem

A judge may be reimbursed for the fare for common carrier transportation and per diem at the applicable [GSA maximum rates](#), and for the fare for common carrier transportation for the judge's immediate family.

(b) Travel by Privately Owned Vehicle

If a judge decides to use his or her privately owned vehicle, reimbursement is based on the number of occupants in the automobile. Current GSA relocation mileage rates are contained in [41 CFR 302-4.300](#) and relevant FTR Bulletins.

§ 330.20.20 Transportation and Temporary Storage of Household Goods

A judge will be reimbursed for transportation and temporary storage of household goods as set forth above in [§ 330.10.20](#).

§ 330.20.30 Transportation of a Mobile Home or Boat used as a Primary Residence

A judge will be reimbursed for the cost of transporting a mobile home or boat as set forth above in [§ 330.10.50](#).

§ 330.20.40 Transportation of a Privately-Owned Vehicle

A judge will be reimbursed for the cost of transporting a privately-owned vehicle as set forth above in [§ 330.10.40](#).

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Note: Travel Regulations for U.S. Justices and Judges are located in [Chapter 2](#).

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§ 410 Authority, Applicability, and General Provisions

§ 410.10 Authority

These regulations are published by the Director of the Administrative Office of the United States Courts (AO) pursuant to [28 U.S.C. § 604\(a\)\(7\)](#) and [5 U.S.C. § 5707\(a\)\(1\)](#).

§ 410.20 Applicability

These regulations apply to:

- (a) Employees of the judicial branch, excluding judges, and including uncompensated volunteers or interns who take the oath of office as employees, and, to the extent authorized by guidelines issued by the AO, personal attendants accompanying employees with disabilities.
- (b) Consultants or experts employed intermittently and paid on a daily when-actually-employed (WAE) basis and individuals serving without pay or at \$1.00 a year in accordance with [5 U.S.C. § 5703](#), including employees of Community Defender Organizations.
- (c) Contractors, including contract court reporters and court interpreters, to the extent the terms and conditions of the contract provide for travel payments in accordance with these regulations. However, contractors are not entitled to government contract airfares under any conditions. This is an airline contract limitation and may not be waived by the judiciary or the judiciary's contract travel agency. Hotels and car rental firms have the discretion to extend government rates to contractors.
- (d) Applicants for the position of bankruptcy judge, magistrate judge, circuit executive, clerk of court, district court executive, senior staff attorney, chief

preargument/conference attorney, circuit librarian, federal public defender, bankruptcy administrator, chief pretrial services officer or chief probation officer when summoned by a judge or court for an interview. The applicant may be reimbursed for transportation and subsistence expenses on an actual expense basis only, up to 150 percent of the applicable per diem allowance or such lesser amount as determined by the judge or court. The number of applicants authorized must be limited to the final three candidates.

When authorized by the chief judge, three final candidates for chief deputy (or equivalent second-in-command), deputy-in-charge (or equivalent in-charge) of a divisional office, or satellite librarian positions and positions in a work shortage category may be reimbursed from decentralized budgets for transportation and subsistence expenses on an actual expense basis only, up to 150 percent of the applicable per diem allowance or such lesser amount as determined by the chief judge. The determination of a work shortage category position will be made by the unit executive on a case-by-case evaluation, with assistance from the [AO Office of Human Resources](#).

- (e) Nominees for Article III and Court of Federal Claims judgeships and persons in the concluding stages of the selection process for bankruptcy judgeships and magistrate judgeships when traveling to attend orientation programs sponsored by the AO, the Federal Judicial Center (FJC), or the respective court. Each eligible individual may be reimbursed for transportation (not to exceed the available government contract fare) and actual subsistence expenses for the day of the program and the necessary travel day(s), up to 150 percent of the applicable per diem allowance or such lesser amount as authorized by the AO, the FJC, or court.

§ 410.30 Definitions and Abbreviations

- (a) Approving Official

The individual who has the authority to approve travel advance requests and travel vouchers in accordance with the [Guide, Vol 13, Ch 6, \(Travel Advances and Interim Salary Payments\)](#), including the authority to approve specific types of travel expenses defined in these regulations.

- (b) Authorizing Official

The individual who has the authority to authorize travel of subordinates, consultants and contractors.

(Note: In some instances, an official authorizing funds, such as an officer of FJC, may not be the officer that authorizes the travel).

(c) Common Carrier

A private-sector supplier of air, rail or bus transportation.

(d) Contract Travel Agency

A private-sector travel service or a travel management center which is under contract with the federal government to furnish federal employees and other persons authorized to travel at government expense with travel services, including reservation of accommodations, car rentals and ticketing.

(e) Constructive Cost

The total cost of transportation, subsistence, and incidental expenses that would have been incurred for travel had an employee traveled in the manner most cost effective to the judiciary.

(f) Conterminous U.S. (CONUS)

The 48 contiguous states and the District of Columbia.

(g) Court Unit Executives

Circuit executive; federal public defender; district court executive; clerk, bankruptcy appellate panel; clerk of court; chief probation officer; chief pretrial services officer; community defender; senior staff attorney; bankruptcy administrator; chief preargument/conference attorney; and circuit librarian.

(h) Excess Baggage

This term refers to baggage that exceeds the weight, size, or number of pieces carried free by common carriers.

(i) Extra-Fare Train

A train that operates at an increased fare due to the extra performance of the train (faster speed or fewer stops). The term "extra-fare train" does not mean first-class train accommodations, even though an extra-fare train may offer first-class accommodations.

(j) Government-Furnished Automobile

An automobile (or “light truck”) which is (a) owned by a government agency, (b) assigned or dispatched to the judiciary from the General Services Administration (GSA) Interagency Fleet Management System, or (c) leased by the government for a period of 60 days or longer from a commercial source.

(j) Home Circuit

The geographic boundaries of the judicial circuit in which the employee is employed.

(k) Home District

The geographic boundaries of the judicial district in which the employee is employed.

(l) Incidental Expenses

This term refers to the following types of expenses: (1) Fees or gratuities for services and tips given to porters, baggage carriers, bellhops, hotel maids, room stewards, sky caps, and others; and (2) transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the temporary duty site. Incidental expenses are part of the per diem and meals and incidental expenses (M&IE) allowance. The rates for the per diem and M&IE are published in the Federal Register periodically by GSA. The Internal Revenue Service (IRS) has adopted these rates in its rules for Accountable Plans. Incidental expenses are not miscellaneous expenses, which are defined below in [§ 410.30\(o\)](#).

(m) Local Commuting Area

The geographic area, as determined by the authorizing official, from which most employees in the applicable court, court unit, agency, or office routinely commute to the official station on a daily basis.

(n) M&IE Rate

The rate allowed for the meals and incidental expenses allowance when no lodging expenses are incurred or on the last day of travel. **See:** [Meals and Incidental Expenses \(M&IE\) Breakdown](#) on the GSA website.

(o) Miscellaneous Expenses

Reasonable and necessary expenses incurred by a traveler in the conduct of the official business, which are not included in the traveler's per diem and transportation allowances.

(p) Official Station

(1) Employees

Unless otherwise provided by law, the official station of an employee must be established by the appointing authority and must be designated as the place at which the appointing authority expects the employee to perform most duties. Headquarters, designated post of duty, permanent duty station, and official station have the same meaning within these regulations. The actual performance of such duties over a period of time subsequent to appointment at a different location may require a change of official station.

The boundaries of the official station are the corporate limits of the official station. If an employee is not stationed in an incorporated city or town, the official station is the reservation, station, or established area, or, in the case of large reservations, the established subdivision thereof having definite boundaries within which the designated post of duty is located.

(2) Experts, Consultants, Contractors, and Volunteers

For the purposes of determining the allowances payable under these regulations, the official station of contractors and experts or consultants employed on an intermittent basis, who travel at the request of the judiciary, will be their regular place of business, or, if they have no place of business, their residence. The duty station of a volunteer employee will be the employing court.

(q) Per Diem Allowance

The daily fixed locality allowance for lodging, meals, and incidental expenses is published periodically in the Federal Register by GSA. **See:** [Domestic Per Diem Rates](#) on GSA's website. The per diem allowance may be claimed by a traveler in lieu of actual expenses for lodging, meals, and incidental expenses ([§ 410.30\(n\)](#), above). The per diem allowance is

separate from the allowance for transportation expenses ([§ 440](#)) and other miscellaneous expenses ([§ 460.20](#)).

(r) Place of Abode

The residence from which the employee commutes regularly to the employee's official station.

(s) Temporary Duty (TDY) Location

A place, away from an employee's official duty station, where the employee is authorized to travel.

(t) U.S.C.

[United States Code](#).

(u) Voucher Reviewer

An individual who has been assigned the responsibility to review and/or examine the travel vouchers as a result of procedures established by the certifying official. The reviewer determines whether or not the amount claimed is properly supported and documented and whether the claim is consistent with all of the statutes, rules, and regulations.

§ 410.40 In General

§ 410.40.10 “Prudent Traveler” Rule

An employee traveling on official business must exercise the same care in incurring expenses that a prudent person would exercise in conducting personal business using his or her own money. Excess costs, circuitous routes, services unnecessary or unjustified in the performance of official business are not acceptable under this standard. Employees will be responsible for excess costs and any additional expenses incurred for personal preference or convenience. Mileage and other expenses must be claimed only for the direct mileage route, unless there is an official necessity for travel by another route.

§ 410.40.15 Authorizing Officials' Responsibilities

It is the responsibility of the authorizing official to provide advance authorization for travel of subordinates, consultants, and contractors. The authorizing official determines that official travel is necessary and in the interest of the judiciary.

§ 410.40.20 Approving Officials' Responsibilities

It is the responsibility of the approving official to approve the business purpose of the request for reimbursement and the reasonableness of the amount claimed by the traveler. (**Note:** Approving authority does not bring the approving official within the narrow scope of officials who have personal liability with regard to government funds. Those who approve travel vouchers will be providing reasonable assurance to the disbursing officer that the travel was for government business and the expenses appear appropriate.)

§ 410.40.25 Agency Review and Administrative Control

The Director of the AO periodically conducts reviews and audits of transportation and subsistence expenses to determine whether expenses were proper, necessarily incurred in connection with the specific travel assignment, and properly documented. The Director cautions authorizing and/or approving officials to administer travel in accordance with the letter and spirit of the law and these regulations, and to take such action as is necessary to prevent abuses. Additional responsibilities of the authorizing and/or approving officials are set forth in the [Guide, Vol 13, Ch 1 \(Overview\)](#) and [Ch 4 \(Disbursing\)](#).

§ 410.40.30 Reimbursable Expenses

Travel expenses which will be reimbursed are confined to those expenses essential to the transaction of official business within the scope of these regulations. Reimbursement may not be provided for a traveler's payments to another government employee for transportation, lodging, meals, or other goods or services except staff of part-time magistrates and in exigent circumstances when approved in advance by the Director of the AO.

§ 410.40.35 Promotional Materials and Frequent Flyer Benefits

- (a) As a result of the enactment of [Public Law No. 107-107, § 1116](#), on December 28, 2001, government employees (as well as any family member or dependent) may use frequent flyer mileage and similar travel bonuses arising from official travel for personal use. This legislation applies to benefits received before December 28, 2001, as well as on and after this date.
- (b) The law requires that any travel entitlements received from a commercial travel provider incident to official travel must be obtained under the same conditions as those offered to the general public at no additional cost to the government. This means that judiciary travelers may not selectively travel in order to obtain benefits. Travel arrangements should be made

based on the official business need and not the frequent travel miles that may be earned or bonuses that may be received.

- (c) The IRS has not pursued a tax enforcement program with respect to promotion benefits such as frequent flyer miles. Any future guidance on the taxability of these benefits will be applied prospectively at which time this section will be updated.

§ 410.40.40 Contract Travel Agencies

Government employees are encouraged to use government contract travel agencies. Under the master contract of GSA, the judiciary utilizes a travel agency that serves the courts nationwide. The GSA also contracts with other travel agencies to provide services to government travelers, including judges and judicial employees. These contract travel agencies provide special contract fares to government travelers when the traveler purchases a ticket with the Government Travel Charge Card or through a centrally billed government-sponsored account. These centrally billed accounts may be used only at contract travel agencies.

§ 410.40.45 Death While in Travel Status

- (a) In General

The provisions of [41 CFR chapter 303](#) are applicable. If death should occur while in a travel status, the AO Office of Human Resources, Court Services Branch should be contacted for assistance.

- (b) Voucher

Personnel familiar with the travel (usually the approving officer) undertaken by the deceased employee must prepare a voucher with supporting documentation. To avoid erroneous payment, [Standard Form 1055 \(Claim Against the United States for Amounts Due in the Case of Deceased Creditor\)](#) should accompany the voucher. **See:** [Guide, Vol 13, Ch 4 \(Disbursing\)](#).

- (c) Signature

The approving officer must approve the claim upon completion of review. The traveler's name must be inserted in the payee block along with the name of the person entitled to payment in accordance with a designated beneficiary on file or the order of precedence for payments under state law. The individual entitled to payment does NOT have to sign the form.

- (d) Cost of transportation of deceased back to official station

[Title 41 CFR 303](#) contains regulations governing reimbursable expenditures, which may be made directly to the person making the payment. Supporting receipts are required.

§ 410.40.50 Claims Arising from Accidents During Official Travel

When accidents occur during official travel and personal injury or property damage results, the government may provide a remedy depending on a variety of factors. **See:** [Guide, Vol 20 \(Administrative Claims and Litigation\)](#).

§ 410.40.55 Payments

Payments from decentralized budgets of court units and federal public defender offices must be made by the district court which disburses for the holder of the budget from which the travel was funded.

§ 410.40.60 Combining Personal Travel with Official Government Travel

The judiciary will reimburse an employee only for costs incurred for official travel. If an employee combines personal and official travel, the employee ordinarily should schedule and route the official portion of the trip in a way that is most direct and advantageous to the government. (The employee should obtain the approval of his/her authorizing official before arranging a trip that includes both official and personal travel.) If the official portion of a trip is not scheduled and routed in that way, a constructive cost analysis (consistent with [§ 410.30\(e\)](#), above) must be performed to determine what the cost of the trip would have been had the employee traveled in a the manner most cost effective to the government, and the employee will be limited to reimbursement of the constructive cost of the trip. Expenses in excess of official travel costs will not be paid or reimbursed.

Note: As discussed below in [§ 440.40.10\(c\)](#), the GSA contract with the airlines, through which the government is able to obtain discounted government fares for official government business travel, precludes use of contract airfares for personal travel performed by judiciary employees.

§ 410.40.65 Reduced Travel Allowances

If the AO or FJC authorizes reduced transportation and/or subsistence allowances to meetings they sponsor, a traveler's office may not supplement these allowances by using local travel funds (or any other funds).

§ 420 Authorizing and Approving Travel

§ 420.10 In General

All judiciary employees who travel on official business must have written authorization of the court, court unit executive, AO, FJC or United States Sentencing Commission (USSC) official as provided in the following paragraphs, except chambers staff traveling with the employing judge to attend court sessions or authorized judicial meetings as defined in the [Guide, Vol 19, Ch 2 \(Travel Regulations for Justices and Judges\)](#). These regulations allow the court significant flexibility. The following are acceptable methods of written authorization:

- (a) Specific authorization for each trip.
- (b) Approval of periodic travel plan reports as recommended in the [Management Oversight and Stewardship Handbook \(page 10\)](#).
- (c) Use of blanket authorization for routine travel within the home district or circuit or for travel for which funding authorizations are issued by AO and FJC. For pretrial services and probation officers, the blanket authorization may also cover travel to adjacent districts for supervision of defendants and offenders.
- (d) Use of e-mail as a means of communicating travel requests and approvals.

§ 420.20 Authorizing and Approving Officials

§ 420.20.10 Authorization of Travel

The following officials may authorize official travel. Responsibilities of approving officials and disbursing officers are set forth in the [Guide, Vol 13, Ch 4 \(Disbursing\)](#).

- (a) Chief Judge

For own chambers staff, court unit executives (except federal public and Community defenders), pro se law clerks, death penalty law clerks, and land commissioners. Chief judge may designate others to authorize or approve travel for pro se law clerks, death penalty law clerks, land commissioners and court unit executives. At the district court level, these regulations do not contemplate that chief judges would designate one court unit executive to authorize another court unit executive's travel. The designation should be in writing.

(b) Judge

For chambers staff.

(c) Circuit Executive

For employees, including other employees serving under direct supervision. Also, for chief preargument/conference attorneys if administratively assigned to the circuit executive.

(d) Magistrate Judge

For chambers staff.

(e) Bankruptcy Judge

For chambers staff.

(f) District Court Executive

For employees in district court executive's office.

(g) Clerk of Court

For employees in the clerk's office, court reporters, court interpreters, and jury commissioners. Also, for chief preargument/ conference attorneys if administratively assigned to the clerk of court.

(h) Chief Probation Officer

For employees in the probation office.

(i) Chief Pretrial Services Officer

For employees in the pretrial services office.

(j) Federal Public and Community Defenders

For self, except that written authorization from the Assistant Director, Office of Defender Services, is required for any travel into and out of the conterminous U.S. and for all non-case related travel outside of the district(s). Also, for employees of the federal public or community defender organization, except that written authorization from the Assistant

Director, Office of Defender Services, is required for all travel to locations outside of the conterminous U.S.

(k) Senior Staff Attorney

For employees under his or her supervision. Also, for chief preargument/conference attorneys if administratively assigned to the senior staff attorney.

(l) Bankruptcy Administrators

For employees in the bankruptcy administrator's office.

(m) Circuit Librarian

For employees under his or her supervision.

(n) Director of the AO

For self, employees of the AO, and under [§ 420.30.40](#), below, individuals who perform invitational travel in connection with a meeting of a committee of the Judicial Conference. The authorization authority for AO employee travel has been delegated from the Director to the Assistant Directors.

(o) Director of the FJC

For self and employees of the FJC.

(p) Chairman of the USSC

For self and employees of USSC.

(q) Such other officials as may be specifically designated by the Director of the AO.

(r) Alternate authorizing officials may not authorize their own travel.

§ 420.20.20 Voucher Approval

Chief judges of appellate, district, and bankruptcy courts should establish systems of review and control to provide reasonable assurance that travel is for legitimate business purposes and that the expenses approved for reimbursement are reasonable. The system of controls should include review of all travel vouchers by an individual within the

court such as a financial administrator or budget analyst for compliance with the travel regulations and mathematical accuracy. The reviewer would be expected to maintain expertise in the travel regulations and policies. These regulations allow the court significant flexibility. The following are acceptable methods of travel voucher approval:

- (a) Chief judges of appellate, district, and bankruptcy courts may approve court unit executives' vouchers personally.
- (b) The chief judge may also designate one or more other judges to approve the vouchers, or designate other officials to approve them.
- (c) In lieu of approving a court unit executive's voucher or designating another judge or other official to do so, a chief judge may opt to review and approve a report of completed travel similar to that recommended by the [Management Oversight and Stewardship Handbook \(page 10\)](#). If this method is adopted, the chief judge should sign the report, a copy of which should be filed with the travel vouchers listed on the report. The disbursing officer will rely on the claimant's certification on the travel voucher that the travel was for official business purposes and expenses claimed were proper.
- (d) Chief judges of appellate courts must approve or designate an official to approve the travel vouchers of the federal public defenders.
- (e) The approving official may be another court unit executive or a court unit executive's deputy.

§ 420.20.30 Written Delegation of Authorizing Authority

An authorizing official may delegate authorizing authority, in writing, but must keep such designations to as high a supervisory level as practicable.

§ 420.20.40 Written Delegation of Approving Authority

An approving official may delegate approving authority, in writing, but must keep such designations to as high a supervisory level as practicable.

§ 420.20.50 When Travel is Not Funded by Employing Unit

When funding for official travel is provided by the AO, FJC, USSC or any source other than the unit employing the traveler, a written authorization signed by an authorized representative of the funding organization is required in addition to the approvals listed above.

§ 420.20.60 Travel Outside Geographic Boundaries of the Home Circuit or District**(a) Chambers Staff (Law Clerks and Secretaries)**

Specific authorization is required from the employing judge for travel outside the employee's home circuit (for a court of appeals employee) or district except for travel to a court session by one or two chambers staff members. When more than two chambers staff members travel outside the home circuit or district for any official purpose, authorization must be obtained from the employing judge, the appropriate chief judge, and the appropriate division of the AO Office of Judges Programs — i.e., the Article III Judges Division (for staff of Article III and Court of Federal Claims judges), the Magistrate Judges Division, or the Bankruptcy Judges Division, as the case may be.

(b) Court Employees Other than Chambers Staff or Federal Public Defender Office Employees

Specific authorization is required from the employing court unit executive for travel outside the employee's home circuit (for a court of appeals employee) or district for any official purpose. When a court employee travels to a court session outside the home circuit or district, authorization must also be obtained from the appropriate division of the AO Office of Court Administration — i.e., the Appellate Court and Circuit Administration Division, the Bankruptcy Court Administration Division, or the District Court Administration Division — or the AO Office of Probation and Pretrial Services, as the case may be.

§ 420.30 Special Provisions for Certain Categories of Employees and Travel**§ 420.30.10 Chambers Staff**

Immediate staff members of a circuit, district, bankruptcy, or magistrate judge need no authorization to attend regular or special sessions of court. The travel voucher must include the statement, "This travel was for the purpose of attending court and was performed at the direction of and with the approval of the [title of judge]."

§ 420.30.15 Courtroom Deputies and Official Court Reporters and Court Interpreters Who Are Employees**(a) Intra-District/Circuit Travel**

Courtroom deputies and official court reporters and court interpreters need no authorization to attend regular or special sessions of court conducted

by a district, bankruptcy, or magistrate judge within the geographic boundaries of the district/circuit in which the courtroom deputy, court interpreter, or court reporter is employed. The travel voucher must include the statement "This travel was performed at the direction of and with the approval of the [title of judge] or [title of the clerk of court]."

(b) Inter-District/Circuit Travel

Such travel is generally restricted. Only when a host court is unable to provide required services may a court reporter or courtroom deputy travel to another district. The host court must certify that it is unable to provide the required services, and the providing court must seek a travel authorization from the appropriate division of the AO Office of Court Administration. Such authorizations must be obtained in writing in advance, except when emergency situations do not permit.

(c) Expedited Transcripts

Court reporters may not claim reimbursement for travel expenses incurred in assisting another reporter in the production of daily or expedited transcripts or the handling of backlogs.

§ 420.30.20 Contract Court Reporters and Interpreters

Contract court reporters and interpreters may be paid travel allowances only when specifically authorized by the contract. Subsistence allowances may be claimed only on an actual expense (itemized) basis, up to 150 percent of the applicable per diem allowance or such lesser amount as authorized by the court unit executive. Contractual restrictions take precedence over these regulations. Each trip must be authorized in a manner that provides for verification and documentation to assure that travel is only for officially approved purposes and within the scope of the contract.

§ 420.30.25 Contractors

Contractors may be reimbursed to the extent the terms and conditions of the contract authorize payment.

§ 420.30.30 Employees of the AO, FJC, Multi-District Litigation Panel, USSC, and Court of Federal Claims

Such employees must obtain authorization for official travel from the appropriate authorizing official of their organization on forms that have been specifically designated by their organization. The "Authorization for Official Travel," generated by the Court

Travel Helper software is considered an official authorization once signed by the appropriate official.

§ 420.30.35 Attending Judicial Conference, Circuit Judicial Conference, or Judicial Conference Committee Meetings

Employees may be reimbursed for travel expenses to appear at the Judicial Conference, a circuit judicial conference, or a Judicial Conference committee meeting only when they are authorized by the Director of the AO or invited to appear by the Chief Justice, the chief judge of a court of appeals, or the chair of the committee involved.

§ 420.30.40 Invitational Travel of Individuals Who Are Not Judiciary Employees

Consistent with [5 U.S.C. § 5703](#), individuals who are without a formal contract and are invited by the judiciary to travel as attendants, experts, speakers, participants at a conference or meeting, and applicants for employment (consistent with [§ 410.20\(d\)](#), above), or who are otherwise requested to confer on official government business may be reimbursed for travel expenses, including subsistence expenses, on an actual expense basis consistent with this chapter. In those instances where the invitational traveler is requested to attend a meeting with judges at a temporary duty location, the traveler may be reimbursed actual expenses of subsistence not to exceed the maximum amount that the judges may claim at that location. Where invitational travel is performed on behalf of a court, travel authorization must be obtained from the chief judge or court unit executive inviting the traveler. Where invitational travel is performed on behalf of the AO or a Judicial Conference committee, travel authorization must be obtained from the Director or his or her designee. Travel for individuals serving as contractors may be reimbursed to the extent the terms and conditions of the contract authorize payment in accordance with these regulations.

§ 420.30.45 Permanent Change of Official Station

See: [Guide, Vol 19, Ch 5 \(Relocation Allowances for Judiciary Staff\)](#).

§ 420.30.50 Jurors

See: [Guide, Vol 19, Ch 7 \(Juror Fee Regulations\)](#) and [28 U.S.C. § 1871](#).

§ 420.30.55 Employee Subpoenaed as a Witness

When an employee is subpoenaed as a witness in connection with official duties performed as an employee of the judicial branch, travel must be reimbursed in accordance with these regulations and payment must be made from the decentralized budget of the employing court, not the funds of the court in which the employee testifies.

If the employee's appearance as a witness concerns his or her prior employment by another federal agency outside the judicial branch, payment must be made from the decentralized budget of the employing court; however, the approving official must notify the AO Accounting and Financial Systems Division, which will request reimbursement from the involved agency in accordance with [5 U.S.C. § 5751](#). The employee must refund to the District Court Clerk's Office any amount received as a witness fee, which is for deposit to the credit of the appropriation from which the witness's salary is paid, in accordance with [5 U.S.C. § 5515](#). When an employee is subpoenaed as a witness on a matter not relating to official duties either in the judicial branch or another federal agency, travel expenses will not be reimbursed.

§ 420.30.60 Volunteers

Volunteers generally are not expected to travel; however, if a situation arises which warrants the performance of official travel by an uncompensated employee, written authorization must be obtained from the supervising court unit executive and from the Budget Division of the AO Office of Finance and Budget. [Guide, Vol 12, § 550.80.20\(a\)\(4\)](#). Volunteers who are not employees, such as students under the Job Training Partnership Act, are not permitted to travel at judiciary expense. **See:** [Guide, Vol 12, § 550.60.20\(d\)\(1\)\(D\)](#).

§ 420.30.65 Retreats

With the approval of the chief judge, a court or a unit of a court may conduct a retreat. When the retreat is held outside the corporate limits of the duty station of some or all of the attendees, such employees may be reimbursed their travel and subsistence expenses in accordance with these regulations. When a retreat is held at the duty station of some or all attendees, such employees may be reimbursed the actual costs of meals taken incident to the retreat subject to [§ 450.30.80\(b\)](#), below.

§ 420.30.70 Federal Public Defender Organization Employees

This paragraph constitutes a standing authorization for travel on official business by employees of a federal public defender organization for all travel within the district(s) served when the travel is related directly to the organization's casework and is entirely within the conterminous United States. The federal public defender is responsible for ensuring that the organization's travel expenses do not exceed the funds budgeted for this purpose.

§ 420.40 Travel Expenses Not Subject to Reimbursement

As discussed below, not all travel may be reimbursable.

§ 420.40.10 To Attend Meetings or Conventions of Societies and Private Associations

- (a) In general, appropriated funds are not available to cover the cost of travel and subsistence expenses, membership fees or dues, registration fees, and any other expenses for an employee to attend a meeting or convention of an association. However, an exception may be authorized in specific circumstances as described below. Generally, attendance or participation in meetings of associations such as the American Bar Association, Court Clerks' Associations, U.S. Court Reporters' Association, and other similar associations and societies does not constitute the performance of official business.
- (b) An exception is authorized when the Chief Justice, the chief judge of the appropriate court of appeals, the chairman of a committee of the Judicial Conference, the Director of the AO, or the Director of the FJC designates a court employee to attend or participate in an official capacity as a representative of the judicial branch.
- (c) An exception is also authorized when the appropriate judge or court unit executive determines that a chambers or court employee's attendance at the training portions of a meeting is essential for carrying out the purposes of the court's program. Before granting such an exception, the judge or court unit executive must first determine that the training is a necessary expense and is consistent with the provisions of [Guide, Vol 12, § 1125 \(Funding for Learning and Development\)](#). Under those provisions, a judge or court unit executive should consider the following factors in making a determination to authorize training for court and chambers staff employees in administrative, operational, or managerial areas:
 - (1) the training is essential to carry out an official function, duty, or activity for which that individual is responsible, or will otherwise contribute to improved conduct, supervision or management of such function, duty, or activity;
 - (2) the training is in the best interest of the judiciary and is not primarily for the convenience or personal gain of the employee;
 - (3) the training is cost-effective, in light of budgetary and other constraints on the judiciary; and
 - (4) the training is not available locally through traditional workshops or electronic medium (e.g., interactive video teletraining, video

conferencing, web based training, computer based training), or through cross-training by another member of the court staff.

If training is approved consistent with the criteria discussed above, then the cost of transportation to and from the training location would be fully reimbursable as official travel as provided in this chapter. Payment of the expenses of lodging and subsistence is at the discretion of the authorizing official consistent with [§ 450.10](#), below.

§ 420.40.20 To Attend Investitures, Memorial Services, Building Dedications, and Similar Ceremonies

In general, travel to attend memorial services, funerals, portrait hangings, building dedications, groundbreakings, investitures and functions of a similar nature is not reimbursable as an official travel expense. Notwithstanding this general prohibition, employees may be authorized reimbursement for the expenses of travel to attend such an event under one of the following three circumstances:

- (a) Where a chief judge designates a court unit executive to attend any such event as a representative of the court;
- (b) Where a chief judge or the Director of the AO or FJC or the chairman of the USSC designates official representatives (not to exceed two) to attend the funeral or memorial service of a judge or employee of the judiciary to sustain morale and reinforce to the court and others the significance of the deceased judge or employee to the judiciary; or
- (c) Where a chief judge authorizes one or more employees to attend an event for the purpose of coordinating the logistics for the event.

§ 420.40.30 Accompanying Family Members

Travel by family members accompanying an employee on official business except when they are designated to serve as an attendant to an employee with disabilities in accordance with guidelines issued by the AO.

§ 420.40.40 Commuting

The expense of commuting between an employee's residence and his/her official duty station is a personal expense, and absent statutory authority, appropriated funds are not available to pay for personal expenses.

§ 420.40.50 Applicants for Judiciary Positions

Travel by applicants (employees or non-employees) for positions within the judiciary except as provided in these regulations.

§ 420.40.60 Judgeship Nominees

Travel by nominees for Article III and Claims Court judgeships, except as provided in these regulations.

§ 420.40.70 Subsistence Expenses at Official Station

Meals or other subsistence expenses incurred at the employee's official station or within the local commuting area (as defined in [§ 410.30\(m\)](#)), except as provided in these regulations.

§ 430 Credit Cards and Other Means of Covering Travel Costs

§ 430.10 Government Travel Charge Cards

Judiciary employees who travel more than one overnight trip per year should obtain the Government Travel Charge Card and should use the ATM feature of the card to minimize the need for travel advances. The Government Travel Charge Card may only be used by the employee-cardholder to pay authorized official business expenses associated with temporary duty travel or judiciary-authorized relocation. Use of the Government Travel Charge Card for other purposes could result in disciplinary action.

§ 430.20 Purchasing Common Carrier Transportation

§ 430.20.10 Government Travel Charge Card

Government employees are encouraged to use an individual Government Travel Charge Card to purchase common carrier tickets directly from the common carrier or through a contract travel agent. Travelers may use a personal credit card to purchase common carrier tickets; however, a Government Travel Charge Card must be used to obtain government contract airfares.

§ 430.20.20 Infrequent Travelers

A court or any other judicial branch entity may establish a centrally-billed account through which common carrier tickets for infrequent travelers are purchased from a contract travel agent, and the cost of the tickets is charged to the centrally-billed account.

§ 430.20.30 CJA Panel Attorneys

Panel attorneys and related service providers under the Criminal Justice Act are entitled to and urged to use government airfares. Courts should establish separate centrally-billed accounts to pay the cost of these tickets.

§ 430.30 Travel Advances

§ 430.30.10 Obtaining Advance with Government Travel Charge Card

An employee who has a Government Travel Charge Card may obtain an advance of travel funds by an Automated Teller Machine (ATM) or bank using the Government Travel Charge Card. Except in unusual situations, such an advance may not exceed the total of the applicable M&IE rate per each day of travel and other allowable miscellaneous travel expenses that will not be purchased with the Government Travel Charge Card. Any fee incurred while using the government card to obtain a travel advance for official travel is a reimbursable travel expense.

§ 430.30.20 Court Advances to Employees with Card

Courts should not issue advances to employees who have individual Government Travel Charge Cards; however, consistent with [31 U.S.C. § 3726\(h\)](#) an employee may be issued a travel advance to assist him/her in paying the expense of the advanced purchase of an airline ticket for official travel.

§ 430.30.30 Permissible Coverage

When a traveler is in a continuous travel status for a period of at least 30 days, an advance may cover the entire period of travel except if periodic reimbursement vouchers are to be submitted, in which case the amount advanced will cover only the period between projected voucher submissions.

§ 430.30.40 Only for Official Travel Expenditures

Travel advances are to be used only for official travel expenditures, and use of funds for personal, unofficial expenditures is prohibited under any circumstances.

§ 430.30.50 Traveler Liability

Travelers are fully responsible and liable for repaying travel advances to the government within 30 days of completion of travel. Normally, this will be accomplished by applying the advance to the reimbursement due on the travel voucher, thus reducing the amount paid on the voucher to the difference between the allowable expenses and the advance received. However, in the event the travel is canceled or the allowable expenses are less than the advance, the traveler must repay any balance remaining even if the traveler loses the funds or has the funds stolen. Disbursing officers are

responsible for collecting advances as prescribed in [Guide, Vol 13, Ch 6 \(Travel Advance and Interim Salary Payments\)](#).

§ 430.30.60 Accounting for Advances

The accounting for travel advances, recovery, and reimbursements must be in accordance with procedures prescribed in the [Guide, Vol 13, Ch 6 \(Travel Advance and Interim Salary Payments\)](#).

§ 440 Transportation

§ 440.10 Reimbursable Transportation Expenses

An employee may be reimbursed for expenses incident to transportation such as common carrier fares, mileage expenses, automobile rental fees, and parking fees.

§ 440.20 Selecting Method of Transportation

- (a) Travel on official business must be by the method of transportation which will result in the greatest advantage to the judiciary, cost and other factors considered. In selecting a particular method of transportation to be used, the traveling employee and the authorizing official must consider factors such as cost (including the cost of transportation to and from common carrier terminals, cost of a Saturday night stayover, etc.), distance, estimated travel time, lost productivity, and allowable overtime.
- (b) Consideration may also be given to energy conservation. The authorizing or approving official may impose dollar limits or other restrictions on the amount of transportation expenses reimbursable.

§ 440.30 Traveler's Cost Liability When Selected Method Not Used

The traveler must use the method of transportation administratively authorized as most advantageous to the government. Any additional cost resulting from use of a method of transportation other than that authorized will be paid from the traveler's personal funds. The government may not pay for such additional costs even if the employee agrees to make reimbursement later.

§ 440.40 Authorized Methods of Transportation

Methods of transportation authorized for travel on official business include:

- airline;

- railroad;
- subway;
- ferry;
- bus;
- commuter rail;
- streetcar;
- transportation terminal limousine;
- taxi;
- privately owned automobile or airplane;
- government owned or rented automobile and airplane; and
- other necessary means of conveyance.

§ 440.40.10 Common Carrier

(a) In General

Travel by common carrier is generally advantageous to the government and must be used when reasonably available.

(b) Air Travel

Since travel by air is generally the least costly and most expeditious mode of long-distance transportation, this method should normally be used for long trips. Reimbursement must be limited to coach accommodations except when flights to the destination provide only higher class accommodations; when space is not available in less than business or first class in time to carry out the purpose of the travel (travelers are responsible to make their reservations at the earliest possible date to avoid this situation); when necessary to accommodate an employee with a disability; or when authorized in advance by the authorizing official for reasons of the traveler's health.

(1) Travel Outside the Conterminous U.S.

When the origin and/or destination is outside of the conterminous U.S. and the scheduled flight time, including stopovers, is in excess of 14 hours, the employee may use premium or business class air travel when authorized in advance by the authorizing official.

(2) Rest Stops

The authorizing official may authorize a rest stop for a period not to exceed 24 hours or which will result in no more than one day's subsistence expense at either an intermediate point or at a

traveler's final destination if (1) the origin or destination is outside the conterminous U.S., (2) the scheduled flight time including stopovers, exceeds 14 hours, and (3) travel is by a direct or usually traveled route. The fact that an employee may use a class of air service higher than coach class does not preclude a rest stop. When a rest stop is authorized, the applicable subsistence rate is the rate for the rest stop location.

(c) Government Contract Fares

Under its City Pair Program, GSA maintains contracts with various airlines to obtain discounted, refundable fares for official business travel by government employees. Use of these government contract fares is generally considered advantageous to the judiciary. Two contract fares are available through the City Pair Program: an unrestricted "YCA" fare and a capacity-controlled (limited seating), even more discounted "CA" fare. Authorizing officials should encourage the use of the lowest reasonably available fare, government contract or otherwise. **See:** [§ 440.40.10\(d\)](#), below.

Note: GSA's city pair contracts preclude use of government contract airfares for official government business travel by cost-reimbursable contractors, or for personal travel performed by government (including judiciary) employees.

(d) Use of Special Lower Fares

- (1) A traveling employee may, in the interest of economy, use a discounted, non-government contract airfare that is less expensive than the lowest reasonably available government contract fare, but is non-refundable, involves the assessment of a penalty or additional fee if the reservation is cancelled or otherwise changed after booking, or is conditioned on a Saturday-night stay-over or similar requirement. If an employee's travel plans are not definite, both the employee and the authorizing official should weigh the costs and benefits of using a discounted airfare that entails the above-described restrictions.
- (2) When a discounted, non-government contract airfare is authorized, any penalties or additional fees assessed for a cancellation or other change in reservations (including the cost of an entirely new ticket if the previously ticketed fare was totally nonrefundable) will be paid by the government when the change is made for official reasons (e.g., a case, meeting, or other official business event ends

significantly earlier or later than expected) or for other reasons beyond a traveling employee's control (e.g., the employee becomes ill, or an accident, serious illness, or death occurs within the employee's immediate family). But when a penalty or additional fee is incurred because of a change made at the traveling employee's discretion solely for his or her personal convenience, the government will pay the penalty or fee *only to the extent* that the actual cost of the original ticket plus the change penalty or fee does not exceed the cost of the lowest reasonably available government contract fare for the route and date(s) traveled as of the time that the employee originally made his or her reservations.

Note: An employee who uses a discounted, non-government contract airfare may be authorized reimbursement of additional lodging and meals costs incurred in satisfying a Saturday-night stay-over or similar requirement for that airfare *only to the extent* that the reduced airfare cost (as compared with the lowest reasonably available government contract fare) offsets the cost of the additional lodging and meals.

(e) Payments from Airlines for Overbooking or Voluntary Bumping

When an airline fails to provide confirmed reserved space and is required to pay liquidated damages to a traveler on official business, such payments must be turned over to the government. In contrast, travelers may retain payments, tickets for future travel, or other awards made by airlines to persons who *voluntarily* give up their seat when a flight is overbooked. Employees should not voluntarily give up their seats if such will interfere with the timely performance of official duties. An employee may not receive any additional travel reimbursements for additional transportation or subsistence expenses incurred as a result of the delay in voluntarily surrendering a seat.

(f) Rail or Bus Service

An employee may travel by rail or bus when such is determined to be advantageous to the judiciary based on cost and other relevant factors (e.g. overall travel time, compatibility with the requirements of official travel, availability and cost of ground transportation). Also, travelers may use extra-fare train service (e.g., Acela, Metroliner) when it is advantageous to the judiciary. In general, travelers should use the lowest class accommodations available on a train; however, exceptions may be made to accommodate a traveler's disability or other special need. If rail transportation is used due to the personal preference of the employee or

other reasons, reimbursement of expenses will be limited to the constructive cost of air travel at the government contract rate. The use of discount fares offered to the government by rail or bus carrier should be used to the maximum extent possible.

(g) Travel by Ship

Except for travel between two points served by ferries, travel by ship is generally not regarded as advantageous to the judiciary. When an employee travels by ship, he or she will generally be limited to the constructive cost of air travel at the government contract rate.

§ 440.40.20 Privately-Owned Automobile

(a) When Authorized

Travel by privately-owned automobile within 500 miles of an employee's official station is presumed advantageous to the judiciary, and reimbursement for mileage, parking, and road, bridge, and tunnel tolls is therefore permitted. However, this section does not limit the employee from electing travel by common carrier.

(b) Travel in Excess of 500 Miles One-Way

When an employee uses a privately-owned automobile for official travel for a one-way distance of more than 500 miles, claims for reimbursement are limited to the lesser of (1) mileage, tolls and subsistence or (2) the constructive cost of travel (as set forth below).

(1) In General

The constructive cost of travel consists of the following:

- the cost of air travel at the government contract rate (if no government contract fare is available, then the lowest coach fare available);
- a subsistence allowance based on reasonable common carrier schedules;
- the usual transportation costs to and from the common carrier terminals including parking fees; and
- tips to taxi and limousine drivers.

Note: Cost of parking private vehicle at place of temporary lodging and presumed cost of local transportation (taxis or rental vehicles) at temporary station are not includable in constructive cost calculation.

(2) When the Points of Travel Are Not Served by an Airline

In the event that the points of travel are not served by an airline, the constructive cost will be based on the cost of travel by the mode of transportation available and most commonly used.

(c) Reimbursable Expenses

Reimbursement may be claimed for travel by privately-owned automobile at the most [recent prescribed rate by the Director](#), plus necessary parking fees, ferry charges, and road, bridge and tunnel tolls. Distances shown by a standard highway mileage guide may be used as the basis for such claims, or, in lieu thereof, actual mileage may be shown. The employee's travel voucher must show the points between which official travel was performed, the total mileage claimed, and the dates of travel in the section entitled "Transportation and Other Expenses."

(d) Travel with More than One Person

Travel by privately-owned automobile may be advantageous to the judiciary when two or more employees travel together. Only the owner of the vehicle may claim reimbursement for mileage, parking fees, tolls, etc. The owner may claim mileage between the starting point of the trip and the locations where passengers assemble. Passengers may claim taxi fares, mileage, or other costs actually incurred for travel to and from the pickup points. The names of passengers must be listed on the owner's travel voucher.

(e) Monthly Parking for Probation Officers, Pretrial Services Officers, and Federal Public and Community Defender Personnel

The authorizing official may authorize reimbursement to probation officers, pretrial services officers, federal public and community defenders, assistant federal public and community defenders and their investigative staff of a pro rata portion of such employees' parking fees allocable to the days on which employees use their vehicles to travel on official business. To determine the amount of the reimbursement, the employee will multiply the periodic parking fee actually paid by a fraction whose numerator

equals the number of days on which the employee's vehicle is used for official travel and whose denominator equals the total number of workdays covered by the periodic parking fee paid. For example, if an employee uses her car for official travel for 12 days during a month which has twenty workdays, he will be reimbursed 12/20 of the monthly parking rate. A parking receipt, clearly indicating the amount and period covered by the charge, must accompany any claim for such reimbursement.

§ 440.40.30 Rental Automobiles

(a) In General

Reimbursement of the costs of a rental car is permitted when the authorizing official determines that the use of a rental car is more advantageous to the judiciary than the use of a taxi, airport limousine, or other mode of transportation. When an employee rents an automobile for personal convenience, the approving officer must limit reimbursement to the amount that the traveler otherwise would have expended for taxi or transportation by common carrier.

(b) Personal Use of Rental Automobile

Personal use of a rental automobile is permissible to the extent it does not increase the cost to the government. A traveler who uses a rental car for personal use and, as a consequence, incurs additional costs (e.g., gasoline), is personally responsible for those costs.

(c) Global Positioning Systems (GPS)

The expense of renting a portable GPS device or upgrading to an automobile equipped with satellite navigation may be reimbursable when a traveler establishes official necessity, the rental or upgrade is advantageous to the judiciary, and the authorizing official approves it in advance of the temporary duty travel.

(d) Rental of Commercial Vehicle Under Government Contract

When a commercial automobile rental is authorized, a government contract rental should be the first resource. Most national automobile rental companies participate in the U.S. Government Car Rental Agreement and provide special daily flat-rates with no mileage restrictions to all government employees on official travel. Furthermore, the cost of collision damage waiver or insurance is included in the government contract rental rate and therefore should not be purchased separately. To

obtain the collision damage waiver/insurance benefit, the traveler must use the Government Travel Charge Card to pay the cost of the rental automobile. Where a traveler does not use the Government Travel Charge Card to pay the cost of rental automobile, he/she must ensure that the paperwork for the rental automobile specifically identifies it as a "U.S. Government business rental."

(e) When Use of a Non-Government Contract Rental Is Permissible

An employee may use a non-government contract rental only when no government contract rate is available. In such an instance, the employee must use the least expensive reasonably available commercial rental. The employee should use the Government Travel Charge Card for payment of such a rental, because the card includes collision damage waiver for rentals used for official purposes. Rental of an automobile from another employee or a member of the traveler's family is not allowed.

(f) Reimbursement for the Cost of Insurance

An employee will not be reimbursed for the cost of personal accident insurance. Similarly, when an employee uses a nongovernment contract rental, charges for collision damage waiver or collision damage insurance are not reimbursable.

(g) Damage to a Non-Government Contract Rental Vehicle

If an employee is not covered by collision damage waiver or collision damage insurance and the employee used the Government Travel Charge Card as advised above and the employee is involved in an accident, the employee should immediately inform the vendor of the Government Travel Charge Card that an accident has occurred. The rental agency that accepted the Government Travel Charge Card should bill that vendor. In addition, the employee should advise the AO Office of the General Counsel. If the employee did not use the Government Travel Charge Card, the employee should advise the rental agency to bill the court.

(h) Incidental Charges

If rental charges do not include the cost of gas or other incidental expenses of operation, the employee should pay the costs and then itemize the expenses on his or her travel voucher.

§ 440.40.40 Privately-Owned Airplane

Travel by privately-owned airplane is reimbursable at the most [recent prescribed rate by the Director](#), plus airplane parking, landing, and tie down fees, not to exceed the cost of travel by commercial airline.

§ 440.40.50 Privately-Owned Motorcycle

Travel by privately-owned motorcycle is reimbursable at the most [recent prescribed rate by the Director](#), with the same allowances and limitations as by privately-owned automobile.

§ 440.50 Local Transportation

An employee may claim reimbursement for the expense of transportation by bus, ferry, commuter rail, streetcar, subway, taxi (subject to the restrictions below) or privately-owned automobile (at the established mileage rate) incurred in connection with the following:

§ 440.50.10 To, From, and Between Places of Work

Employees may be reimbursed for the expense of travel between place of lodging and places of business at a temporary duty station. An employee may also be reimbursed transportation expenses incurred in the local commuting area to perform official business. Where an employee at some point in the day reports to his/her official duty station, mileage is reimbursable only to the extent it exceeds the traveler's normal daily commuting mileage between his/her residence and the official duty station. Where an employee does not report to his/her official duty station on the day in question, no deduction for commuting distance should be made. The following examples illustrate the application of this rule:

Ex. 1: If a traveler leaves the official duty station, goes to the temporary duty station, and returns to the official duty station, count the mileage from the official duty station to the temporary duty station and back to the official duty station.

Ex. 2: If a traveler leaves his/her residence, goes to the temporary duty station, and returns to his/her residence without going to the official duty station, the traveler should take the mileage from his/her residence to the temporary duty location and back to his/her residence, without any deduction for the normal round-trip commuting distance. An approving official, may within his/her discretion, limit reimbursement to only the mileage in excess of the traveler's normal round-trip commuting mileage or establish another mileage limitation should the situation warrant.

Ex. 3: If a traveler leaves the official duty station, goes to the temporary duty station, and returns to his/her residence without going back to the official duty station, the traveler should take the mileage from the official duty station to the temporary duty station and back to his/her residence, then subtract the normal one-way commuting distance.

Ex. 4: If a traveler leaves from his/her residence, goes to the temporary duty station, and returns to the official duty station, the traveler should take the mileage from his/her home to the temporary duty location and back to the workplace, then subtract his/her normal one-way commuting distance.

§ 440.50.20 To and From Common Carrier Terminals

Employees may be allowed the reasonable cost of ground transportation to and from common carrier terminals. An employee may be reimbursed round-trip mileage and parking when driving his or her privately owned vehicle personally or round-trip mileage each way when driven by a family member, provided that mileage is limited to the direct route and that the total cost of mileage and parking at the airport (if applicable) may not exceed the cost of travel by taxi or other readily available common carrier. Limousine and courtesy car services to and from a place of lodging must be used when such services are available at no cost (or at a lower cost than alternative travel) and their use does not unreasonably interfere with the traveler's schedule. A reasonable tip to the driver may be allowed.

§ 440.50.30 To Places Where Meals Are Obtained

Consistent with [§ 410.30\(I\)](#), the expenses of travel to obtain meals at a temporary duty station is normally included within the subsistence (M&IE) allowance.

§ 440.50.40 Between Residence and Office on Day of Departure

Travel from an employee's residence to the office on the day the employee departs from the office for an official trip and from the office to the employee's home upon return may be reimbursed at the discretion of the approving official.

§ 440.50.50 Automobiles Furnished or Rented by the Government

When an automobile is regularly required for official travel performed locally or within commuting distance of an employee's official duty station, a government-furnished automobile should be the first resource considered. If such is unavailable, long-term commercial rentals may be considered. When an employee chooses to use a privately-owned vehicle instead of an available government-owned or rented vehicle, reimbursement will be limited to the lesser of the actual cost of a government-owned or

rented vehicle or the mileage allowance. **See:** [Privately Owned Vehicle \(POV\) Mileage Reimbursement Rates](#) on the GSA website.

§ 440.50.60 Taking Government-Furnished Vehicle Home

An employee must receive written authorization from the chief judge of the court to take home a government-furnished automobile. The chief judge may delegate the authority to grant such permission to other judges and/or court unit executives. Such a vehicle may not be used for personal reasons or for transportation of family members even when an employee is conducting official business.

(a) Tax Consequences

The Internal Revenue Service regards the provision of home to work transportation in a government-provided vehicle as taxable income. The AO has selected the Commuting Value Method to compute the value of this fringe benefit. The Commuting Value method is currently \$1.50 for each one-way commute or \$3.00 for a round trip commute. This fringe benefit must be reported on the employee's W-2.

(b) Reporting Requirements

Each instance of home-to-work transportation in excess of one per month must be recorded on [Form AO 500](#). The form must be forwarded to the Payroll Services Branch, AO Office of Human Resources, no later than the last full pay period in November.

§ 440.50.70 Between Office and Residence When Working after Hours

An approving official may approve reimbursement of taxi fares for travel between an employee's official duty station and home incident to the conduct of official business outside of the employee's regular business hours. The after-hours work must be officially ordered, and the use of taxi service must be reasonable due to infrequently scheduled public transportation or darkness.

§ 440.50.80 Taxis Incident to the Performance of Official Business

A receipt is required for taxi fares of \$50 or more. A reasonable tip may be claimed in addition to the fare. A voucher which includes taxi fares in excess of \$75 must have a certification from the employee that a limousine or a less expensive means of transportation was not available, was impractical to obtain, or that the use of a taxi resulted in the greatest advantage to the judiciary. When one judicial employee pays the taxi fare for two or more judicial employees sharing a taxi, claim may be made by that

employee for the full fare. Identification of other judicial employees must be included on the claimant's voucher.

§ 440.60 Home-to-Work Transportation for a Disabled Employee

§ 440.60.10 Authority

Under [31 U.S.C. § 1344\(b\)\(9\)](#), the Director, upon the recommendation of the appropriate chief judge, Director of the FJC, Chairman of the USSC, federal public defender or Deputy Director of the AO, may authorize home-to-work transportation for a disabled employee upon determining that "compelling operational considerations make such transportation essential to the conduct of official business."

§ 440.60.20 Scope of Authorization

If authorized, home-to-work transportation may be provided for not more than 15 calendar days. Upon request, the Director may extend an authorization for one or more periods of not more than 90 additional calendar days. [31 U.S.C. § 1344\(b\)](#) and [\(d\)\(2\)](#).

§ 440.60.30 Procedures for Requesting Authorization

A disabled employee who requires home-to-work transportation should submit a written request to the respective chief judge, and the chief judge should then endorse the request and forward it to the Director. Requests from federal public defender organization employees should be endorsed and forwarded by the federal public defender instead of by the chief judge. AO employees, with the approval of the supervising official, should submit their request to the Deputy Director for endorsement and the Deputy Director will forward the request to the Director. FJC and USSC employees should submit their requests to the appropriate agency head for endorsement and the agency head should then forward the request to the Director. The request should contain the following information:

- (a) the employees' name, address, and telephone number;
- (b) the reason for requesting home-to-work transportation;
- (c) the anticipated duration of the need for home-to-work transportation; and
- (d) the compelling considerations that exist to make the transportation essential to the conduct of judiciary business.

The same process should be used to submit requests for extensions of authorization.

§ 440.60.40 Notification Requirement

Under [31 U.S.C. § 1344\(d\)\(4\)](#), notification of authorization or extension of home-to-work transportation for a disabled employee must be transmitted to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate within 60 calendar days of approval. Upon authorizing home-to-work transportation for a disabled employee, the Director will transmit a report to these committees.

§ 440.70 Use of United States Flag Carriers

§ 440.70.10 Travel by United States Flag Ships

Section 901 of the Merchant Marine Act ([46 U.S.C. app. 1241\(a\)](#)) provides that any officer or employee of the United States traveling on official business overseas or to or from any of the possessions of the United States must travel and transport all personal effects on ships registered under the laws of the United States where such ships are available. If such ships are not available, the employees should provide proof to allow an exception.

§ 440.70.20 Use of Foreign Flag Air Carrier

Generally the use of a foreign air carrier is not authorized under the Fly America Act, [49 U.S.C. § 40118](#). Transportation by a U.S. flag air carrier should be used when available. If such services are not available, in the case of transportation between the United States and a foreign country, or not reasonably available, in the case of transportation between two places outside the United States, a code share (a U.S. flag air carrier cooperating with a foreign air carrier) should be used if available. Otherwise, the traveler should provide proof that a U.S. air carrier is not available for an exception to fly by foreign flag air carrier.

§ 450 Subsistence Expenses

§ 450.10 Actual Expenses or Per Diem

- (a) Subject to limitations imposed by the authorizing official or by local court, AO, FJC, or USSC policy, an employee may be authorized per diem or actual expenses of subsistence allowances not to exceed 150 percent of the per diem rate. A lodging receipt must be attached to the reimbursement voucher to support a claim for either actual expenses or per diem.

- (b) Consistent with the Prudent Traveler rule, [§ 410.40.10](#) above, travelers are generally expected to select medium-priced restaurants and hotels/motels (or for higher-priced hotels, to obtain a rate equivalent to the charges of a medium-priced hotel) and to be generally prudent in controlling their expenses. For purposes of this paragraph, the term medium-priced hotel means a hotel or a motel which offers room rates at or below the maximum lodging rate set by GSA for the location. In general, the cost of individual meals should be no more than 150 percent of the amounts specified by GSA in its breakdown of breakfast, lunch, and dinner rates by temporary duty location. **See:** [Meals and Incidental Expenses \(M&IE\) Breakdown](#) on the GSA website. The judiciary reimburses judges and judicial staff for their travel expenses under an Accountable Plan, as defined by the Internal Revenue Service. IRS regulations provide that only “ordinary and necessary” business-related travel expenses may be reimbursed. The IRS further states that meal and hotel/motel expenses cannot be “lavish or extravagant.” The expense of alcoholic beverages is not reimbursable from appropriated funds, including alcoholic beverages consumed with meals. Under no circumstances may a traveler claim reimbursement for the expense of another individual’s meal(s).
- (c) If a traveler claims reimbursement for lodging and/or meals and any one of those expenses exceeds the rates referenced in the above paragraph, he or she must complete (and submit along with his or her official Travel Voucher) a [Form AO 1012C \(Approval for Excessive Travel Costs\)](#). In particular, when the cost of a single meal equals or exceeds \$75, the traveler must complete that same form and also sign and date the “Certification for Meal Expenses of \$75 or More.”
- (d) The authorizing official may restrict the subsistence allowances otherwise payable to a traveler, such as by authorizing only use of the per diem method, by limiting the dollar amount of the per diem allowance, or by limiting reimbursable actual expense claims to no more than the per diem allowance. In imposing such restrictions, the authorizing official must consider factors such as special accommodation rates made available for a particular meeting or conference or obtained at reduced rate; the inclusion of sleeping accommodations in transportation service; the inclusion of meals (other than a continental breakfast) as part of the meeting or activity; the furnishing of meals and/or lodging at no or reduced charge by a federal government agency at a temporary duty station; and travel calling for more than a one-month stay at a temporary duty station. An authorizing official may not establish subsistence rates in excess of those provided for within these regulations.

§ 450.20 Per Diem Allowance

§ 450.20.10 In General

An employee may claim a per diem allowance when the employee's travel involves an overnight absence from his or her official duty station. This allowance is a daily payment and is in lieu of actual subsistence expenses. The per diem rate for the locality in which the temporary duty station is located or the per diem rate in the locality in which the employee obtains lodging will be used, whichever is lower. No per diem may be allowed if an overnight stay is not involved.

§ 450.20.20 Travel Within the Continental United States

Per diem rates within the continental United States are established by GSA based on location. **See:** [Domestic Per Diem Rates](#) on the GSA website. For the day of return to the employee's official duty station or residence, only the M&IE rate will be payable. Except, if the traveler is en route after midnight, an additional one-fourth of the M&IE rate will be allowed for each quarter day of the travel period after midnight through the quarter of arrival at residence, official station or other location where the trip officially ends.

§ 450.20.30 Travel Outside the Continental United States

The per diem rates for localities outside the continental United States are established by the Secretary of State. These rates are set forth in a Department of State publication entitled *Maximum Travel Per Diem Allowances for Foreign Areas* or on the [Per Diem Rates](#) on the U.S. State Department website. For the day on which an employee returns to the official duty station or residence, the employee may claim the M&IE rate for the temporary duty point as the per diem allowance. In computing per diem in cases when the traveler crosses the International Date Line (180th meridian), the actual elapsed time will be used rather than calendar days.

§ 450.20.40 Actual Lodging Cost plus Standard Meals and Incidental Expenses Allowance

In lieu of claiming a per diem allowance for the locality where temporary duty is performed, with prior authorization from the authorizing official, an employee may claim the cost of lodging plus the flat standard meals and incidental expenses rate, provided that the total does not exceed 150 percent of the authorized per diem allowance.

§ 450.30 Actual Expenses of Subsistence

§ 450.30.10 In General

An employee may claim actual expenses of subsistence not to exceed 150 percent of the per diem rate for periods of travel of at least 24 hours outside the corporate limits of the employee's official duty station when authorized by the authorizing official. The circumstances justifying actual expenses should be documented on the authorization or the voucher. If an employee claims actual expenses for travel to a temporary duty station, the employee must compute expenses under that system for the duration of the period at that location. Should the employee proceed to a second temporary duty station, the employee may elect to claim reimbursement on either a per diem or actual expense basis for travel to each temporary duty station. Employees may not claim per diem for travel of more than 10 hours but less than 24. When travel is 10 hours or more but less than 24 hours and no lodging expense is incurred, reimbursement of expenses may be paid on an actual expense basis not to exceed the M&IE allowance. Authorizing officials may, within their discretion, apply other limitations in cases involving travel of 24 hours or less, including a 12-hour threshold and/or a distance requirement. In the case of a distance requirement, the authorizing official could stipulate that a traveler may not be reimbursed for subsistence expenses unless he/she performs temporary duty travel to a location outside the "local commuting area" (as defined above in [§ 410.30\(m\)](#)) or to a location that is more than a prescribed distance (e.g., 40 miles from the employee's official duty station).

§ 450.30.20 Staff of Part-Time Magistrate Judges

Transportation and subsistence expenses incurred by staff of part-time magistrate judges must be included on the magistrate judge's travel voucher, and must be payable only on an actual expenses basis, not to exceed the allowances which would be reimbursable if the travel were performed by a salaried federal employee.

§ 450.30.30 Itemization of Expenses

If an employee claims actual expenses, each subsistence expense, including each meal, must be itemized for each calendar day of official travel, including the day on which the employee returns to the official duty station or residence from which he or she commutes to that duty station. Travelers must provide itemized receipts for lodging, regardless of amount, plus any other item of subsistence costing \$50 or more. Consistent with [§ 460.10.10](#), below, authorizing officials may, in their discretion, require travelers to submit receipts for individual travel expenses that are less than \$50. The following expenses are considered items of subsistence and should be listed separately:

- (a) Lodging or daytime room rental (single occupancy rate if accompanied by spouse or dependent). Note that lodging taxes are reimbursed separately and should be claimed on the travel voucher as a miscellaneous expense. Travelers should take advantage of exemption from the sales tax, whenever legally entitled. The governing state, county, and/or city tax statute controls this entitlement.

- (b) Tips and gratuities.
- (c) Transportation to obtain meals — The expenses of travel to obtain meals at a temporary duty station is normally included within the subsistence allowance. However, such expenses may be claimed as a miscellaneous expense in the uncommon situation where suitable meals cannot be obtained at or near the place of lodging or work at a temporary duty station. Such transportation costs must be vouchered separately on a daily basis and a statement of justification included on or attached to the voucher.

Note: An employee may not be reimbursed for the purchase of alcoholic beverages or for the cost of entertainment, sporting events, sightseeing tours, cocktail parties or other social events.

§ 450.30.40 Payment at Judges' Rates

- (a) When an employee is required to attend a meeting of the Judicial Conference, its committees or subcommittees, a circuit judicial conference, circuit judicial council committee meeting, or to accompany a judge, including a bankruptcy or magistrate judge, while traveling on official business, the authorizing official may authorize the employee to be reimbursed for actual expenses in an amount not to exceed the maximum amount that the judge(s) may claim at any location, or 150 percent of the authorized per diem rate for the locality, whichever is greater.
- (b) The Directors, Deputy Directors, and Associate Director of the AO, the FJC, and the Chairman of the USSC will be reimbursed expenses of subsistence in accordance with the provisions of the Travel Regulations for United States Justices and Judges. Staff of the AO, FJC and USSC may also be reimbursed in accordance with the Travel Regulations for United States Justices and Judges when authorized in advance by the appropriate agency Director.
- (c) Travel reimbursement at the judges' rate is intended for the benefit of the government and not the individual traveler. Travel reimbursement at the judges' rate should not be treated as an entitlement, and travelers are expected to exercise restraint in incurring expenses, consistent with [§ 410.40.10](#) and [§ 450.10](#), above.

§ 450.30.50 Maximum Daily Rates for Travel Outside Continental United States

An authorizing official may authorize travel outside the continental United States, and, in unusual circumstances, authorize reimbursement for actual expenses incurred using the greater of the following allowances:

- (a) 150 percent of the authorized per diem allowance for the area; or
- (b) \$50 plus the applicable authorized per diem allowance.

§ 450.30.60 Exceeding Normal Subsistence Limits

The Director may authorize subsistence on an actual expense basis not to exceed 300 percent of the locality per diem rate to accommodate the special needs of an employee with disabilities (such as the higher cost of a hotel room that is accessible or otherwise equipped for physically disabled persons), or where special or unusual circumstances in the travel area (such as a natural disaster declared by the President) result in an extreme increase in subsistence costs for a temporary period or otherwise cause the ordinary maximum allowance to become inadequate to cover reasonable expenses. An increased rate due to special or unusual circumstances will ordinarily be authorized only for groups of official travelers, as such is not justified by nominal excess subsistence costs incurred by individual travelers. A request for a higher rate under this paragraph should be made in writing and describe the circumstances that justify an increased rate.

§ 450.30.70 Reimbursement for Subsistence Expenses When an Employee Owns or Rents a Secondary Abode

- (a) When an employee performs temporary duty at a place at which he or she rents or maintains a secondary abode, claims for lodging expense may be paid, prorated based on the average daily cost. Reimbursement is authorized regardless of whether an employee acquires a place of abode solely to meet his or her needs during official travel or whether an employee owned or rented the property prior to official travel.
- (b) The amount which may be claimed for lodging for each day of travel under paragraph (a) is the monthly rental or mortgage interest expense plus the cost of utilities (including basic monthly telephone charges) divided by the days of the month. Computation of allowable expenses, including copies of bills, must accompany claims. The allowable daily lodging amount may not exceed the lesser of actual prorated expenses or the daily lodging rate at a reasonable commercial establishment at the location. The maximum daily allowance for lodging and meals may not exceed 150 percent of the lower per diem rate applicable to the location of the abode or the temporary duty station. The actual expense rate otherwise allowable when attending a judicial meeting or traveling with a judge, is not applicable when claiming subsistence under this paragraph.

§ 450.30.80 Meals at Duty Station

- (a) An employee who is invited to attend a Judicial Conference committee or subcommittee meeting, a circuit judicial conference, or a circuit judicial council committee meeting held at his or her official station may be reimbursed the actual cost of meals (up to the amount payable to a locally resident judge) taken incident to such a meeting, if attendance of the employee at the meals is necessary to full participation in the business of the conference or committee meeting and if the employee is not free to partake meals elsewhere without being absent and missing essential formal discussions, lectures or speeches concerning the business of the conference or meeting. Reference to this paragraph on a travel voucher will be considered sufficient documentation that the employee has met the criteria for payment of this item of subsistence.
- (b) When, with the authorization of the chief judge, a court or court unit is conducting a retreat at a location that is the official station of some or all of the attendees, those employees may be reimbursed the actual cost of meals taken incident to the retreat, if their attendance at the meals is required by the court unit executive supervising the retreat as essential to the conduct of business of the retreat. During the period of a retreat, but outside of working sessions, an employee is not entitled to reimbursements for meals at his or her duty station merely by virtue of taking a meal with colleagues from an outside location who are on travel status during the retreat. Reference to this paragraph on a travel voucher will be considered sufficient documentation that the employee has met the criteria for payment of this item of subsistence.

§ 450.40 Reduced Per Diem/Subsistence Allowance

§ 450.40.10 Staying with Family and Friends

When an employee does not incur a lodging expense because he or she stays with family or friends, the employee may, if authorized in advance by the authorizing official, claim a per diem subsistence allowance at the M&IE rate or itemize meals and other subsistence expenses up to a daily maximum of 150 percent of the M&IE rate.

§ 450.40.20 Lodging or Meals Provided by the Government

(a) Lodging Only

When lodging is provided to the traveler by the government, the employee may be authorized a per diem subsistence allowance at the M&IE rate or itemize meals and other subsistence expenses up to a daily maximum of 150 percent of the M&IE rate. When the purpose of travel is to attend a circuit judicial conference, a meeting of the Judicial Conference or its

committees or subcommittees, or to accompany a judge on travel, actual subsistence expenses not to exceed \$100 may be claimed. The subsistence allowance under this paragraph must be reduced to reflect the cost of any meals provided by direct payment by the judiciary.

(b) Lodging and/or Meals

When all lodging and meals are provided by the government, an employee may claim only a minimal daily subsistence allowance not in excess of \$8.00, with all expenses itemized. When meals are provided by the government, the employee must take a reduced M&IE rate, deducting the cost of the furnished meals, consistent with the GSA's breakdown of M&IE rates. **See:** [Meals and Incidental Expenses \(M&IE\) Breakdown](#) on the GSA website.

§ 450.40.30 Extended Temporary Duty Assignments

When a travel assignment involves an extended period of more than 30 days at one temporary duty location, it may become financially advantageous to the judiciary for the employee to obtain alternative living arrangements to hotels and restaurant meals. In this case, the employee can reasonably be expected to secure lodging and/or meals at a lower cost by using commercial lodging that caters to the long-term visitor (e.g., an extended stay unit with a kitchen, an apartment, a monthly or weekly room rental). The authorizing official should authorize the employee a reduced per diem allowance, M&IE allowance, or subsistence allowance, as appropriate. In general, the employee should be authorized a per diem allowance that is no more than 75 percent of the full amount (but may be lower, depending on the circumstances) of the applicable GSA locality per diem rate for the area. Where an employee's temporary duty assignment exceeds 60 days, the employee should be authorized a per diem allowance that is no more than 65 percent (but may be lower, depending on the circumstances) of the applicable GSA locality per diem rate.

§ 450.40.40 When the Cost of Lodging And/or Meals Is Known in Advance

The authorizing official may authorize an employee a reduced per diem rate when the authorizing official knows in advance that lodging and/or meal costs will be lower than the prescribed locality per diem rate for the temporary duty location.

§ 450.50 Interruption of Subsistence Entitlement

§ 450.50.10 Other than Due to Illness or Injury or Personal Emergency

(a) Workdays

The taking of leave, other than for illness or injury, for one-half or less of the prescribed working day will be disregarded for subsistence purposes. When leave exceeds one-half of the prescribed working day, no subsistence will be allowed for that day.

(b) Non-Workdays

(1) Temporary Duty Travel of 30 Days or Less

As a general rule, when the cost of maintaining an employee at the temporary duty location exceeds the cost of returning the employee to the official station or residence, the employee should be required to return to his or her official station or residence. Exceptions may be authorized by an authorizing official when it would be advantageous to the judiciary to require the employee to remain at the temporary duty location for reasons of efficiency or effectiveness (e.g., where the time and/or distance involved would make it impractical for the employee to return home or would otherwise create an undue hardship for the employee). Any such exception(s) to the policy should be documented.

(2) Temporary Duty Travel Exceeding 30 Consecutive Calendar Days

For periods of temporary duty exceeding 30 calendar days, the authorizing official may authorize a return to the employee's official station or residence after a reasonable period of time, when such is determined to be advantageous to the judiciary in order to improve the employee's morale and increase productivity or when it is in the interest of economy.

(3) On non-workdays when a traveler does not return to his or her official duty station or residence, a subsistence allowance may be paid. If, due to the taking of leave, subsistence is not allowable for the days preceding and following the non-workdays, subsistence is not allowable for the non-workdays.

§ 450.50.20 Due to Illness or Injury

When an employee on official travel is incapacitated by illness or injury that occurs for reasons other than the employee's own misconduct, the authorizing official may authorize the continued payment of subsistence to the employee for a period of not more than 14 calendar days. Should the period of illness or injury exceed 14 calendar days, the chief judge or agency head may authorize continuation of subsistence payments for such longer period as is reasonable under the circumstances. The authorizing official may also authorize the employee to return to his or her official duty station. In emergency situations, an employee may be reimbursed for the cost of return transportation to his or her official station or residence by a mode of travel that he or she would not have ordinarily utilized, such as an ambulance. The authorizing official may also authorize transportation costs of a medically necessary attendant. If, when the employee recovers, the authorizing official determines that resumption of the travel is in the judiciary's interest, such will be considered a new travel assignment. An employee seeking reimbursement under this paragraph must state in his or her voucher that the claim was due to illness or injury. The approving official may require a physician's statement to support the claim as well.

§ 450.50.30 Due to Personal Emergency

When an employee must discontinue official travel due to a personal emergency, such as death or injury to a family member, or fire, flood or other act of God at the employee's residence, the authorizing official may authorize appropriate expense of transportation and subsistence for return travel to the traveler's official station. If the employee must travel to an alternate location to deal with an emergency, the authorizing official may authorize transportation and subsistence to the alternate location, followed by return travel either to the temporary duty station or official duty station as is most appropriate under the circumstances. The amount of transportation and subsistence reimbursable in connection with travel to and from an alternate location may not exceed the amount of reimbursable expenses that were authorized for the original travel. The reasons for the authorization to return to the official station or to travel to an alternate location must be documented on the travel voucher.

§ 450.50.40 Receipt of Payment From Other Federal Sources

If, after suffering injury or illness during official travel, an employee receives transportation or hospitalization (or is reimbursed for hospital expenses) under any federal statute (including hospitalization in a Veterans Administration or military hospital) other than [5 U.S.C. §§ 8901-8914 \(Federal Employees Health Benefits Program\)](#), the transportation expenses allowed for the emergency travel and the subsistence allowance for the period involved will not be paid, or, if paid prior to reimbursement, will be collected from the traveler.

§ 460 Claims for Reimbursement

§ 460.10 In General

Claims for reimbursement of travel expenses must be submitted on a travel voucher form approved by the AO and/or the court. The travel authorization, including a record of any limitations or restrictions on the travel or reimbursements authorized, should be included with the voucher, and the voucher must be signed by the approving official. Claimants cannot approve their own claims for reimbursement and all claims must be submitted within 30 days after completion of the travel. If a claimant is unable to file the claim within 30 days of return, the claimant may request an exception on grounds that the voucher could not be filed in a timely manner. The Director may grant an exception when necessary to meet special circumstances or in the best interest of the government.

§ 460.10.10 Documentation of Expenses

- (a) Original receipts, paid bills, or similar documentary evidence showing proof of payment must be submitted for lodging and for any individual expense (e.g., for transportation, a meal, parking) of \$50 or more incurred by a traveler. Authorizing officials may, in their discretion, require travelers to submit receipts for individual travel expenses that are less than \$50. Documentary evidence will generally be considered adequate to support an expenditure if it shows the dollar amount, date, name of vendor, place and business purpose of an expenditure. Thus, a hotel receipt should include the name, location, date, and the separate charges for lodging, meals, telephone, etc. Similarly, a restaurant receipt must indicate the name and location of the restaurant, the number of meals served, and the date and amount of the expense.
- (b) If for some reason a receipt or other similar documentary evidence is not available (and a duplicate cannot be obtained), the traveler should complete [Form AO 1012B \(Missing Travel Receipt Report\)](#). Similarly, if a receipt or other documentary evidence is missing necessary information, the traveler should provide an explanation of the missing information and a brief written explanation for the absence of a more detailed documentation. The completed "Missing Travel Receipt Report" should be appended to the individual traveler's travel voucher.

§ 460.10.20. Review of Travel Reimbursement Expense Vouchers

The approving official should carefully review travel reimbursement expense vouchers that require their signature. The approving official is expected to question claims for reimbursement of expenses that appear on their face to be lavish, extravagant, or are unsupported by required documentation.

§ 460.10.30 Suspension of Charges

The approving official should disallow items in travel vouchers which are not authorized by these regulations, which exceed limitations imposed, or which are not properly documented (unless the traveler demonstrates to the approving official's satisfaction that receipts or other required documents are unavailable due to theft, loss, or other valid reason). The notification of such action must indicate the reasons therefore. Items which are subsequently allowed may be claimed on an amended or supplemental voucher.

§ 460.10.40 Audit of Claims

All travel vouchers are subject to audit by the AO in accordance with procedures established by the Director, to determine that all allowances claimed are within the scope of the applicable statutes and these regulations.

§ 460.20 Claiming Miscellaneous Subsistence-Related Expenses

Other reasonable and necessary business expenses of a miscellaneous nature that do not specifically fall within the category of subsistence may be reimbursable and should be entered under the column headed "Transportation and Other Expenses." Receipts are required for any individual item costing \$50 or more. These expenses include the following:

- (a) Taxi fares and tips to taxi drivers.
- (b) Road, bridge, and tunnel tolls.
- (c) Parking fees.
- (d) Rental of conference rooms or other facilities for official business meetings and related equipment, when authorized by the authorizing official.
- (e) Special services needed for travel outside the United States, including:
 - Passports, visas, and photographs
 - Certificates of birth, health, and identity
 - Inoculations
- (f) Official telephone calls, faxes, and other communications (mark "official" on voucher).
- (g) Personal telephone calls home.

- (1) Employees are expected to use their personal cell phones to call home when they are on official government travel, except in the following circumstances:
 - (A) An employee who does not own a personal cell phone or who performs temporary duty travel in a location where cell phone reception is unavailable, may be reimbursed for the expense of a personal telephone call home at a cost of up to \$5 per day.
 - (B) An employee who performs temporary duty travel outside the conterminous United States may be reimbursed for the expense of a personal telephone call home at a cost of up to \$10 per day.
 - (C) An employee from outside the conterminous United States who performs temporary duty travel may be reimbursed for the expense of a personal telephone call home at a cost of up to \$10 per day.
- (2) Each call should be itemized separately under the “other” column and identified as a call home. Calls should be made as economically as possible.
- (h) Tips for official baggage handling (e.g., heavy or bulky materials or equipment for official business).
- (i) Charges/fees for checked baggage, excess baggage (when needed for purposes of official business), and transfer and/or storage of baggage. This includes charges for curbside check-in.
- (j) Fees incurred when using the Government Travel Charge Card to obtain cash advances.
- (k) Supplies such as paper, batteries, and other incidental expenses.
- (l) Charges for business services, including use of computers, internet connection, printers, photocopiers, fax machines, and scanners, as well as expenses for photocopying, printing, and faxing.
- (m) Laundry, cleaning, and pressing during travel that involves at least four consecutive nights, in such amount as the approving official finds reasonable.

- (n) Applicable lodging taxes. (Employees when traveling on official business should seek an exemption from state or local lodging taxes where such an exemption is permitted by the jurisdiction.)
- (o) Hotel reservation cancellation fees, when the following conditions are met: the hotel orally or in writing clearly stated the cancellation policy and the cancellation policy was reasonable; the traveler failed to cancel the reservation within the prescribed time due to press of official business, unavoidable travel delay, or other reason not due to negligence or misconduct; the hotel made all reasonable attempts to resell the space and has credited all resale revenues to the amount owed by the traveler; and the cancellation fee does not exceed cost of one night's lodging.
- (p) Energy surcharges.
- (q) Registration fees which do not include entertainment.
- (r) Other expenses.

Miscellaneous expenditures not enumerated herein such as a resort fee (exclusive of fees for entertainment such as tennis, pool, and golf), when necessarily incurred by the traveler in connection with the transaction of official business, will be allowed when authorized by the approving official for amounts not to exceed \$250. Advance approval of the Director is required for such amounts in excess of \$250.
- (s) Gasoline.
- (t) Services of a travel attendant as described in [§ 420.40.30](#) and [§ 450.50.20](#), above.

§ 470 Evacuation, Safe Haven, and Other Special Allowances

§ 470.10 Authority

This section is authorized under [28 U.S.C. § 604\(a\)\(7\)](#); [5 U.S.C. §§ 5707](#) and [5725](#); and [5 CFR 550.401, et seq.](#)

§ 470.20 General Provisions and Definitions

§ 470.20.10 Evacuation

Under this section, evacuation, safe haven, and other special allowances may be paid to an employee and the employee's dependents, in the event of an evacuation caused by unusual or emergency circumstances such as a national or natural disaster, epidemic, or similar conditions of comparable magnitude. This policy is intended to enable courts to establish promptly alternate work locations and resume normal court operations as early as possible in the wake of a disaster.

§ 470.20.20 Eligibility

In order to be eligible for evacuation, safe haven, and other special allowances, an employee must reside in or proximate to a location that is subject to an evacuation order or orders as declared by federal, state, or local government authorities.

§ 470.20.30 Authorization of Evacuation, Safe Haven, and Other Special Allowances

The Director of the Administrative Office may authorize evacuation, safe haven, and other special allowances when an evacuation order or orders has or have been declared by federal, state, or local government authorities for areas in or proximate to the location where an employee resides. These allowances are intended to enable courts to promptly establish alternate work locations and the resumption of normal court operations as early as possible in the wake of a disaster.

§ 470.20.40 Definitions

(a) Dependents

Consistent with [41 CFR part 300-3](#), a relative of an evacuated employee residing with the employee prior to the evacuation and dependent on that employee for support.

(b) Home

An employee's primary place of residence, which would include a single family home, town house, apartment, etc., that the employee owns or rents.

(c) Lodgings-Plus Per Diem Method

A method for computing per diem allowances under which the employee and the employee's dependents are reimbursed for actual expenses of

lodging up to a maximum amount and a fixed allowance for meals and incidental expenses (M&IE).

(d) Safe Haven

A designated area to which an employee and the employee's dependents, if any, are evacuated.

(e) Uninhabitable

A home is considered to be "uninhabitable" if it does not have power or potable water, or if it has other deficiencies that render occupancy a risk to health and safety (e.g., obstructions that prevent access to the home). As a result, the employee cannot and does not live in the home the employee resided in prior to the evacuation.

§ 470.30 Reimbursable Expenses

Under this section, the Director may authorize evacuated employees lodging and subsistence expenses under the following methodologies, depending upon the circumstances: (1) actual cost of lodging plus an applicable M&IE allowance (as described above in [§ 470.20.40\(c\)](#)); or (2) actual expenses of subsistence up to 300 percent of the applicable locality per diem rate for the location (in accordance with [§ 450.30.60](#), above). Claims for lodging expenses must be supported by receipts.

§ 470.30.10 Travel Reimbursements While En Route to a Safe Haven Under an Officially Ordered Evacuation

Employees and their dependents who are ordered to evacuate their permanent duty station to a "safe haven" may be authorized reimbursement for transportation consistent with [§ 440](#) of this chapter, and lodging and subsistence expenses incurred during the period of evacuation beginning with the date of departure from the evacuated area through the date of arrival at the safe haven. Under this section, lodging and subsistence expenses will be payable as follows:

(a) Employees

In general, employees will be authorized 100 percent of the lodgings-plus applicable M&IE allowance for the location; however, actual expense reimbursement up to 300% of the applicable per diem rate for the location may be authorized instead.

(b) Dependents

Dependents age 12 or older may be paid 100 percent of the lodgings-plus applicable M&IE allowance for the location. Dependents under the age of 12 may be paid 50 percent of the lodgings-plus per diem allowance for the location.

(c) Miscellaneous Personal Expenses

During the initial period of evacuation, the Director or the Director's designee will determine whether to authorize employees reimbursement for miscellaneous personal expenses such as those listed below. In the event reimbursement is authorized, these items should be claimed on the employee's travel voucher:

- (1) air mattresses, folding cots and portable beds;
- (2) sleeping bags, blankets, sheets and pillows;
- (3) towels, wash cloths, sanitizing wipes/cloths and paper towels;
- (4) actual phone calls not to exceed \$5 per day (in those instances where the employee's personal cell phone is inoperable);
- (5) flashlights and batteries; and
- (6) radio.

§ 470.30.20 Travel Reimbursements Upon Arrival at the Safe Haven

Following arrival in the safe haven, an employee may be reimbursed for lodging and subsistence expenses in accordance with [§ 470.30.10\(a\)](#), above. Similarly, dependents may be paid a per diem allowance in accordance with [§ 470.30.10\(b\)](#), above, except that after 30 days the maximum rate payable to dependents may be reduced up to 40 percent. These allowances may be paid for a period not to exceed 180 days after the effective date of the order to evacuate.

(a) Assignment to temporary duty location following an evacuation

When an employee is assigned to perform temporary duty following an evacuation, the employee's safe haven location serves as the basis for determining his or her travel entitlements.

(b) Subsequent emergency situations

If an employee is at a safe haven location and is evacuated a second time (to another safe haven) because of a subsequent emergency situation, the Director may extend the employee's safe haven allowances for an additional period of up to 180 days.

§ 470.40 Return to the Permanent Duty Station from Safe Haven

§ 470.40.10 Home Uninhabitable

If, following an evacuation, an employee must return to the employee's permanent duty station to perform official business and the home the employee resided in prior to the evacuation is uninhabitable, the employee may be reimbursed for lodging and subsistence expenses in accordance with [§ 470.30](#), above, while the employee performs official business at the permanent duty station for a period of up to 180 days. Receipts for lodging are required. Lodging and subsistence expenses in accordance with [§ 470.30.10\(a\)](#), above, may be paid to the employee's dependents at the permanent duty station (where they return to the permanent duty station with the employee and do not occupy the uninhabitable residence) or at the safe haven (including a safe haven within commuting distance of the official duty station) for up to 180 days.

Note: Temporary duty travel entitlements payable under [§ 450](#) of this chapter are not payable under these circumstances because the employee is not in temporary duty travel status.

§ 470.40.20 Home Habitable

Where an employee returns to the permanent duty station from the safe haven and the employee's home is habitable, then he or she is not entitled to reimbursement for lodging and subsistence expenses. Under these circumstances, the employee's return to the permanent duty station would result in the termination of the employee's and, depending upon the circumstances, the dependents' safe haven allowances.

§ 470.50 Reassignment to Alternative Location

The payment of safe haven allowances may end when an employee is reassigned to an alternative location to perform the same or different duties the employee would have performed at the official duty station. Depending upon the circumstances, the dependent's safe haven allowances may terminate at that time as well.

§ 470.60 When No Lodging Expense Is Incurred**(a) In general**

When an employee and/or the employee's dependents stay with family or friends or otherwise do not incur lodging costs (e.g., where lodging is reimbursed or directly paid by a third party such as FEMA or the Red Cross), the employee may be reimbursed for only meals and incidental expenses consistent with [§ 450.40.10](#), above. If authorized, the employee may claim an allowance not to exceed 300 percent of the applicable M&IE rate in lieu of the allowance provided under [§ 450.40.10](#). The employee's dependents may claim no more than the applicable M&IE rate for the locality.

(b) Exceptions

- (1) When an employee stays in lodging that is reimbursed or directly paid by a third party, as discussed above, or stays in a personal recreational vehicle, and the employee incurs expenses such as utilities, phone, or Internet connectivity, the employee may be reimbursed for the expenses in accordance with [§ 450.30.70](#) of this chapter.
- (2) Where an employee's host can demonstrate that his or her expenses (e.g., utilities, phone, Internet connectivity) increased as a direct result of boarding the employee or the employee's dependent(s), then the employee may be reimbursed to pay for the additional expenses of the host.

§ 470.70 Non-Reimbursable Expenses

- (a) Return trips to an employee's permanent residence for the exclusive purpose of assessing damage as a result of the disaster and its aftermath.
- (b) Shipment or storage of household goods that may have been acquired at the safe haven.
- (c) Expenses of purchasing, transporting, or installing a generator.

Guide to Judiciary Policy

Vol 19: Travel and Relocation

Ch 5: Relocation Allowances for Judiciary Staff

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§ 510 Overview

§ 510.10 Purpose

This policy provides guidance to the judiciary for effective and efficient management of its travel relocation functions consistent with federal regulations.

§ 510.20 Authority

The authority for this policy is provided by:

- [41 CFR part 301](#) – Temporary Duty Travel Allowances
- [41 CFR part 302](#) – Relocation Allowances

*Last substantive revision ([Transmittal GR-18](#)) January 27, 2010
Last revised (minor technical changes) November 15, 2010*

- [5 U.S.C. chapter 57](#) – Travel, Transportation, and Subsistence
- [28 U.S.C. § 604\(a\)\(7\)](#) – Duties of Director generally
- [JCUS-SEP 98](#), p. 43
- [Federal Travel Regulations](#), U.S. General Services Administration

§ 510.30 Applicability

These regulations apply to all employees of the judicial branch, other than justices and judges, who are covered by the relocation regulations set forth in the [Guide, Vol 19, Ch 3 \(Relocation Allowances for Justices and Judges\)](#). Also excluded are employees of the Federal Judicial Center, U.S. Supreme Court, and U.S. Sentencing Commission.

§ 510.40 Definitions

(a) Actual Expense

Refers to a method for transporting household goods under which the judiciary is responsible for making all necessary transportation and temporary storage arrangements with carriers. With this method, the employee's property is shipped on a government bill of lading or a transportation service order, and the judiciary pays transportation costs directly.

(b) Applicable Per Diem Rate

For relocation-related travel in the continental United States, the applicable per diem rate is the standard Conterminous U.S. (CONUS) rate (**see:** [41 CFR part 301](#)) of the [General Services Administration \(GSA\)](#). For relocation related travel outside the CONUS, the applicable per diem rate is the locality rate established by the Secretary of Defense or the Secretary of State under [41 CFR 301-11.6](#). **See:** [Per Diem/Subsistence page](#).

(c) Chief Judge

- (1) For purposes of relocations by court staff, this term refers to the chief judge of a court of appeals, district court, bankruptcy court, territorial district court, Court of International Trade, or Court of Federal Claims, in which the relocating employee will serve. Thus, for a relocation between districts, the chief judge of the receiving court must approve the payment of relocation expenses.

(2) For purposes of relocations by federal public defenders (FPD) and their employees, the term refers to the chief judge of the relevant court of appeals.

(d) Common Carrier

Refers to a private-sector supplier of air, rail or bus transportation.

(e) Commuted Rate System

Refers to a method for transporting household goods under which the relocating individual makes arrangements for transportation of household goods and temporary storage, and is reimbursed by the judiciary in accordance with schedules of commuted rates as set forth in [41 CFR part 302-7.100](#) and [7.102](#).

(f) Conterminous United States (CONUS)

The 48 contiguous states and the District of Columbia.

(g) Contract Travel Agency

A private-sector travel service or a Travel Management Center (TMC), which is under contract with the federal government to furnish federal employees and other persons authorized to travel at government expense with travel services, including reservation of accommodations, car rentals and ticketing.

(h) Household Goods

Refers to all personal property associated with the home, and all personal effects that belong to an employee and the employee's immediate family at the time shipment or storage begins, which can legally be accepted and transported as household goods by an authorized commercial carrier.

(i) Immediate Family

Refers to any of the following named members of the employee's household at the time the employee reports for duty at the new permanent duty station:

(1) Spouse;

- (2) Children of the employee or employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self support;
- (3) Dependent parents of the employee or employee's spouse (including step and legally adoptive parents); and
- (4) Dependent brothers and sisters (including step and legally adopted brothers and sisters) of the employee or the employee's spouse who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support.

(j) Official Station or Duty Station

Unless otherwise provided by law, the official station of an employee must be established by the appointing authority and must be designated as the place at which the appointing authority expects the employee to perform most duties. Headquarters, designated post of duty, permanent duty station, and official station have the same meaning within these regulations. The actual performance of such duties over a period of time subsequent to appointment at a different location may require a change of official station.

The boundaries of the official station are the corporate limits of the official station. If an employee is not stationed in an incorporated city or town, the official station is the reservation, station, or established area, or, in the case of large reservations, the established subdivision thereof having definite boundaries within which the designated post of duty is located.

(k) Professional Books, Papers, and Equipment

Refers to professional or specialized items and other materials that are personally owned by the employee used in the performance of official duties. The term does not include sports equipment or office, household, or shop fixtures and furniture, e.g., bookcases, file cabinets, desks, and racks of any kind even though used in connection with the professional books, papers, and equipment.

(l) Temporary Quarters

Refers to lodging obtained for the purpose of temporary occupancy from a private or commercial source.

(m) Temporary Storage

Refers to storage of household goods for a limited period of time at origin, destination, or en route in connection with transportation to, from, or between official duty stations.

§ 510.50 General Rules

(a) Service Agreement

Under [5 U.S.C. §§ 5723\(b\)](#) and [5724\(i\)](#), an employee who receives relocation allowances must agree, in writing, to remain in government service for 12 months after the effective date of appointment or transfer. Payment of expenses will be allowed only after an employee signs a written service agreement. Any such agreement must be executed on or before the date the employee enters on duty. **See also:** [New Appointee Benefits Request and Service Agreement form \(AO 505\)](#).

(b) Disruption to the Service Agreement

- (1) If an employee is unable to fulfill the service agreement due to reasons beyond the employee's control, and the reasons are acceptable to the chief judge, with the concurrence of the AO Director (for AO appointments), the relocation expenses incurred may be reimbursed to the employee.
- (2) If the employee is unable to fulfill the service agreement and the reasons for separation are not acceptable to the chief judge or the AO Director (for AO appointments), the government will recover the relocation allowances paid to the employee and those expense paid directly by the government on the employee's behalf from the employee. **See also:** [Form AO 505](#).

(c) Authorization for Reimbursement of Relocation Expenses

- (1) Determinations regarding an individual's entitlement to relocation allowances, as described in these regulations, must be made by one of the following:
 - (A) Court Staff: chief judge and concurred by the circuit judicial council;
 - (B) FPDOs: chief judge and concurred by the chair of the Judicial Conference Committee on Defender Services;

(C) Overseas Law Clerks: selecting judge; or

(D) AO Employees: AO Director.

See also: [Chart of Authorization for Reimbursement of Relocation Expenses](#) for a complete listing.

(2) The chief judge may designate another judge or other official to make any limited discretionary determinations, as permitted by these regulations, regarding the extent to which a particular allowance will be paid in a specific case.

(d) Time Limits for Completing Relocation-related Travel and Transportation

(1) All travel, including that for the immediate family, and transportation, including household goods, must be accomplished no later than two years after the effective date of the employee's transfer or appointment, as relevant.

(2) When an employee is authorized reimbursement for expenses associated with residence transactions, the employee may be authorized a two-year extension of this period by one of the following as appropriate:

(A) Court unit employees: the chief judge, with the concurrence of the circuit judicial council;

(B) FPDO employees: the chief judge, with the concurrence of the chair of the Committee on Defender Services; or

(C) AO employees: the AO Director.

(e) Advance of Funds

(1) An employee may receive an advance of funds from the AO, Accounting and Financial Systems Division (AFSD), to defray, as they are incurred, certain travel and other expenses for which the employee is entitled to reimbursement under these regulations.

(2) Generally, funds may be advanced for the following relocation expenses:

(A) Per diem for employee and immediate family;

- (B) Mileage and common-carrier costs incident to a change of station;
- (C) Authorized house hunting trip (discretionary);
- (D) Temporary quarters subsistence allowance (discretionary);
- (E) Transportation and temporary storage (commuted rate) of household goods;
- (F) Transportation of a mobile home or boat used as residence. [41 CFR part 302-3.4](#) and [302-3.101](#); and
- (G) Transportation of a privately owned vehicle (discretionary).

Note: Discretionary expenses requires prior approval under [§ 510.50\(g\)](#).

- (3) No funds may be advanced for residence transactions.

(f) Mandatory Expenses

- (1) Once a decision is made to reimburse relocation expenses, all mandatory expenses must be reimbursed. In the case of an existing employee transferring from one duty station to another, mandatory expenses are:
 - (A) Per diem for employee and immediate family;
 - (B) Mileage and common-carrier costs incident to a change of station;
 - (C) Transportation and temporary storage (commuted rate) of household goods;
 - (D) Transportation of a mobile home or boat used as residence. [41 CFR part 302-3.4](#) and [302-3.101](#);
 - (E) Miscellaneous moving expenses' allowance; and
 - (F) Expenses relating to sale and purchase of a residence.

(2) In the case of a newly appointed employee, mandatory expenses are:

- (A) transportation of the employee and immediate family members;
- (B) per diem for the employee;
- (C) transportation and temporary storage of household goods; and
- (D) transportation of a mobile home or boat used as residence. [41 CFR part 302-3.4](#) and [302-3.101](#).

(g) Discretionary Expenses

In the case of an existing employee transferring from one duty station to another, from another government agency to the judiciary, or a newly appointed employee (i.e., new to federal government service), discretionary expenses, which may or may not be paid, as determined by the chief judge (for the court units and FPDO) or the AO Director (for AO appointments) are:

- house hunting trip (existing);
- temporary quarters subsistence allowance (existing); or
- transportation of a privately owned vehicle (existing or newly appointed);

Note: Other expenses may not be reimbursed.

- (h) Local funds must be used for all relocations, except that relocation of overseas law clerks and relocation of a judge's staff where a judge relocates, will be paid from AO centrally held funds. However, all claims must be processed and paid by the AO AFSD.
- (i) Funds from the court unit's and FPDO's budget will be returned to the AO to pay for relocation benefits using the procedure set forth in [Procedures to Transfer Decentralized Court Funds to AO](#).
- (j) Authority for payment of travel expenses is provided in [41 CFR part 301-51](#). Judicial branch employees are encouraged to utilize the TMC when arranging travel for official business.

§ 510.50.10 Table of Mandatary and Discretionary Relocation Allowances for Existing Employees	
(a) Relocation allowances that agency must pay or reimburse	(b) Relocation allowances that agency has discretionary authority to pay or reimburse
(1) Transportation & per diem for employee & immediate family member(s).	(1) House hunting per diem & transportation, employee & spouse only.
(2) Miscellaneous moving expense.	(2) Temporary quarters subsistence expense.
(3) Sell or buy residence transactions or lease termination expenses.	(3) Shipment of privately owned vehicle.
(4) Transportation & temporary storage of household goods.	
(5) Transportation of a mobile home or boat used as a primary residence in lieu of the transportation of household goods.	
(6) Relocation income tax allowance.	

§ 510.50.20 Table of Mandatary and Discretionary Relocation Allowances for Newly Appointed Employees (i.e., New to Federal Government Service)	
(a) Relocation allowances that agency must pay or reimburse	(b) Relocation allowances that agency has discretionary authority to pay or reimburse
(1) Transportation of the employee and immediate family members	Shipment of privately owned vehicle.
(2) Per diem for employee only.	
(3) Transportation & temporary storage of household goods.	
(4) Transportation of a mobile home or boat used as a primary residence in lieu of the transportation of household goods.	

§ 510.60 Claims for Reimbursement

(a) Processing of Relocation Requests

All court requests for reimbursement of relocation expenses must be submitted to the AO AFSD and, in the case of the FPDO, to the Office of Defender Services. These AO offices will work with the court units, FPDO, or AO directorate, prior to a submission for a relocation request to the approving official, chief judge and circuit judicial council (or, for federal public defender organizations, to the chief judge and the chair of the Committee on Defender Services, and for the AO, the AO Director), to ensure that the relocation request meets the requirements of this policy and of the GSA regulations.

(b) Appeals

If a claimant disagrees with AO AFSD's reduction or disallowance of a claim for relocation expenses, the claimant should submit any additional information supporting the claim to AO AFSD for reconsideration. If the claimant is employed by an FPDO, the claimant may contact the Office of the Defender Services for reconsideration. In the event the claimant disagrees with the office's reconsideration of the claim, the claimant may request review of the claim and access procedures for review by the [Civilian Board of Contract Appeals](#).

§ 520 Eligibility Conditions

Relocation expenses may be reimbursed only where the criteria in subsections [§ 520.10](#) and [§ 520.20](#) are met.

§ 520.10 Reimbursement

Reimbursement is permissible only in the following circumstances:

(a) Law Clerks Outside the CONUS

A new appointee to a law clerk position outside the CONUS, may be reimbursed for relocation expenses upon initial relocation to the duty station. A law clerk who is reimbursed for relocation to an overseas duty station must also be reimbursed for return to the CONUS for separation, as set forth at [41 CFR part 302-3, subpart D](#), and [subpart F](#).

(b) Court Unit Executives and Type II Deputies

- (1) Provided that the chief judge, with the concurrence of the circuit judicial council or, in the case of a FPDO, the chair of the Committee on Defender Services, finds that the relocation of an individual is in the interest of the government, relocation benefits may be paid to new appointees to positions as court unit executives and their type II deputies, and to transferees to such positions from within the judiciary or from:
 - (A) another agency in the judicial branch;
 - (B) an agency in the executive branch;
 - (C) a military department;
 - (D) the Library of Congress;
 - (E) the U.S. Botanical Garden;
 - (F) the U.S. Government Printing Office; or
 - (G) the District of Columbia.
- (2) Court unit executives and type II deputies include:
 - (A) circuit executives and their chief deputies;
 - (B) clerks and their chief deputy clerks of court;
 - (C) chief probation officers and chief pretrial services officers and their deputy chiefs;
 - (D) federal public defenders and first assistant federal public defenders;
 - (E) district court executives;
 - (F) circuit librarians;
 - (G) senior staff attorneys;
 - (H) chief pre-argument/conference attorneys;

- (I) bankruptcy administrators; and
 - (J) bankruptcy appellate panel clerks.
- (c) Positions Other than Court Unit Executives or Type II Deputies
 - (1) Chambers Staff

Where a judge or judicial officer changes duty stations, the chambers staff will be reimbursed for transfer to the new duty station.
 - (2) Other than Chambers Staff
 - (A) Relocation benefits may be paid to existing employees of the judiciary other than those referred to above only if the chief judge, with the concurrence of the circuit judicial council or, in the case of a FPD or first assistant FPDs, the concurrence of the chair of the Committee on Defender Services, finds that the transfer is in the interest of the government, and not primarily for the convenience or benefit of the employee or at the request of the employee.
 - (B) This finding may be made only where the court units or FPDO has ordered the relocation of the employee. A relocation order may be necessary, for example, where the court units or FPDO has no option for staffing a position other than to transfer an employee (e.g., it may be essential to transfer one or more experienced employees when a new divisional office is established).
 - (C) Relocation expenses will not be reimbursed for employees transferring between courts or for employees transferring between offices in the same court or FPDO under the following circumstances where:
 - (i) an employee applies for an advertised vacancy or requests a transfer;
 - (ii) a court or FPDO recruits or requests an employee to transfer on a voluntary basis; or
 - (iii) the new duty station is less than 50 miles from the duty station. For details, **see:** [§ 520.20](#).

(d) Administrative Office Personnel

Provided that the AO Director finds that the relocation of an individual is in the interest of the government, relocation benefits may be paid to new appointees to positions as AO employees, and to transferees to such positions from within the judiciary or from:

- (1) another agency in the judicial branch;
- (2) an agency in the executive branch;
- (3) a military department;
- (4) the Library of Congress;
- (5) the U.S. Botanical Garden;
- (6) the U.S. Government Printing Office; or
- (7) the District of Columbia.

(e) Exceptions

The AO Director may make exceptions to the foregoing eligibility requirements where the AO Director finds it to be in the interest of the government. A request for an exception must reflect the approval of the chief judge of the receiving court and the concurrence of the circuit judicial council or, in the case of a FPDO, the concurrence of the chair of the Committee on Defender Services.

§ 520.20 Employee Transfer

- (a) Where a transferring employee is involved, relocation must also be incident to a change in duty station.
- (b) For a transferring employee to be eligible for payment of relocation expenses, the new duty station generally must be at least 50 miles from the old duty station, unless the chief judge or AO Director (for AO appointments) authorizes an exception. Under [41 CFR part 302-2.6](#), the chief judge or AO Director (for AO appointments) may authorize a relocation of less than 50 miles when the chief judge or AO Director (for AO appointments) determines that it is in the interest of the government and:

- (1) the one-way commuting pattern between the old and new duty stations increases by at least 10 miles but no more than 50 miles; or
 - (2) there is an increase in commuting time to the new duty station; or
 - (3) a financial hardship is imposed because of increased commuting costs.
- (c) Under [5 U.S.C. §§ 5724](#) and [5724a](#), the change in the permanent duty station of an employee must be accomplished without a break in federal service of even one day.

§ 530 Reimbursable Expenses

The provisions regarding reimbursable expenses set forth below are intended to provide only a general discussion of allowable expenses. For a complete discussion, it is necessary to refer to the cited General Services Administration regulations as well as to the other regulations referenced below.

§ 530.10 Existing Judiciary Employees and New Judiciary Appointees Already Federal Employees When Appointed

- (a) The regulations in this section apply only to transfer of employees within the judiciary, or to the judiciary from:
 - (1) an agency in the executive branch;
 - (2) a military department;
 - (3) the Library of Congress;
 - (4) the U.S. Botanical Garden;
 - (5) the U.S. Government Printing Office; or
 - (6) The District of Columbia.

(b) Travel by the Employee and Members of the Employee's Immediate Family

The Federal Travel Regulations (FTR) establish the amounts payable to employees and their immediate families for transportation and subsistence en route to a new official station. **See:** [41 CFR part 302-4](#).

(1) Common Carrier Fare and Per Diem

Consistent with [41 CFR part 302-4](#), an employee and the employee's immediate family will be reimbursed for the fare for common carrier transportation and will be paid a subsistence allowance, generally at the following rates:

- (A) 100 percent of the per diem rate for the employee as established in the FTR;
- (B) 75 percent of the rate to which the employee is entitled for the employee's spouse (except that, where the spouse travels separately, the spouse is authorized the per diem rate to which the employee is entitled);
- (C) 75 percent of the rate to which the employee is entitled for each other family member age 12 or older; and
- (D) 50 percent of the per diem rate to which the employee is entitled for each child under 12.

(2) Travel by Privately Owned Vehicle and Per Diem

- (A) If an employee uses their privately owned vehicle the mileage reimbursement rate is the same as the moving expense mileage rate established by the Internal Revenue Service (IRS) for moving expense deductions. For IRS guidance available on the Internet, **see:** [IRS website](#). GSA publishes the rate for mileage reimbursement in an FTR Bulletin on an intermittent basis. For FTR Bulletins, **see:** [GSA webpage on Employee Relocation Management Policy](#).
- (B) The per diem will be based on the assumption that the employee will drive a minimum of 300 miles per day unless the chief judge or AO Director (for AO appointments) makes an exception based on reasons beyond the control of the employee or for other acceptable reasons. The same per

diem allowances that apply to travel by common carrier apply to travel by privately owned vehicle as well.

(c) Miscellaneous Expense Allowance Incident to Relocation of Household

In accordance with [41 CFR part 302-16](#), a miscellaneous expense allowance will be paid as follows:

(1) Purpose of Allowance

The purpose of the miscellaneous expense allowance is to defray various contingent costs associated with discontinuing residence at one location, and establishing residence at a new location in connection with a permanent change of duty station. This allowance defrays expenses such as:

- disconnecting and connecting appliances, equipment and utilities;
- utility fees or deposits that are not offset by refunds; or
- changing automobile registrations and driver's licenses, etc.

Certain expenses are **not** reimbursable as discussed in [41 CFR parts 302-16.202](#) and [16.203](#).

(2) Currently Allowable Amounts

(A) An allowance may be paid to an employee in the following amounts without documentation of expenses. An employee will be paid an allowance calculated under either (i) or (ii) below, but not both:

- (i) An employee without immediate family relocating with the employee will be paid an allowance of \$500 or one week's basic gross pay, whichever is less; or
- (ii) An employee with immediate family members relocating with the employee will be paid an allowance of \$1,000 or two weeks' basic gross pay, whichever is less.

(B) A chief judge or AO Director (for AO appointments), may authorize an amount in excess of that provided for above,

provided the aggregate amount does not exceed the basic gross pay of one week for the employee — if the employee is relocating without immediate family — or two weeks' basic gross pay for the employee — if the employee is relocating with immediate family. Payment of the entire amount specified in this subsection must be supported by paid bills or other evidence justifying the amounts claimed.

- (C) The maximum amount authorized cannot exceed the maximum rate of basic gross pay for a GS-13 employee.

(d) Transportation and Temporary Storage of Household Goods

Household goods must be transported and temporarily stored as set forth in [41 CFR part 302-7](#).

(1) General Limitations

The maximum weight of household goods that will be transported or stored at judiciary expense is 18,000 pounds. Where the weight of professional books, papers, and equipment would cause an employee's household goods shipment to exceed this amount, the chief judge or AO Director (for AO appointments) may authorize such items to be transported as an administrative expense of the judiciary, as set forth in [41 CFR parts 302-7.4](#) and [302-7 through 302-7.303](#).

(2) Temporary Storage Limit

The time allowable for temporary storage in connection with an authorized shipment of household goods may not exceed 90 days. Upon an employee's written request, the chief judge or AO Director (for AO appointments) may authorize the extension of the initial 90-day period for an additional period not to exceed 90 days. Justification for the additional storage period may include, but need not be limited to, the following reasons:

- (A) an intervening temporary duty assignment;
- (B) non-availability of suitable housing;
- (C) completion of residence under construction;

- (D) serious illness of employee or illness or death of a dependent; or
- (E) strikes, acts of God, or other circumstances beyond the control of the employee.

(3) Method of Shipment

(A) Transportation Inside the CONUS

If both the point of origin and new duty station are within the CONUS, the method of shipment to be used, commuted rate or actual expense, is determined by the chief judge or the AO Director (for AO appointments). As a general rule, the commuted rate method must be used unless the actual expense method is more economical to the government, and results in a savings of \$100 or more, per [41 CFR part 302-7.301](#).

(B) Transportation Outside the CONUS

Transportation authorized under this subsection will be on an actual expense basis. The maximum weight limit of 18,000 pounds is applicable.

(e) Allowance for House Hunting Trip Expenses

Under [41 CFR part 302-5](#), the chief judge may authorize a house hunting trip for the employee and/or the employee's spouse, if the chief judge or the AO Director (for AO appointments) determines that such a trip is in the interest of the government.

(1) Location of Duty Stations

The employee must be transferring within the CONUS, and the new official station must be over 75 miles from the old official station for a house hunting trip to be authorized. The employee and/or the employee's spouse may be reimbursed for a house hunting trip, not to exceed 10 calendar days, as determined by the chief judge or the AO Director (for AO appointments).

(2) Reimbursement for Employee and Employee's Spouse

The employee and spouse may perform separate house hunting trips. However, reimbursement will be limited to the cost that would have been incurred if the employee and spouse had traveled together on one trip. Transportation is by the method most advantageous to the government. Subsistence is payable at the applicable per diem rate for the employee, and three-fourths of that rate for the employee's spouse. Where a spouse travels unaccompanied and the employee does not claim reimbursement for a house hunting trip, the per diem rate for the spouse will be the same per diem to which the employee would have been entitled. For any house hunting trip, the employee must provide lodging receipts, itemize all meals, and provide receipts for any meal over \$75, per [41 CFR part 301-11.306](#).

(f) Subsistence While Occupying Temporary Quarters

(1) Authorization of a Temporary Quarters Subsistence Allowance

A chief judge or the AO Director (for AO appointments) may authorize subsistence expenses for an employee and the employee's immediate family while occupying temporary quarters, per [41 CFR part 302-6](#). The old and new official stations must be at least 50 miles apart for these expenses to be authorized.

(2) Limitations

(A) A temporary quarters subsistence allowance is authorized in increments of 30 consecutive days or less, not to exceed 60 days. If there is a compelling reason for the employee to continue to occupy temporary quarters after 60 days, the chief judge or the AO Director (for AO appointments) may authorize an extension of up to 60 additional consecutive days. The term "compelling reason" is defined in [41 CFR part 302-6.105](#).

(B) If an employee is authorized to claim reimbursement for expenses under the "fixed amount method" described below, the employee will only be permitted reimbursement for up to 30 days. No extension beyond a 30-day period is allowed under that method.

(3) Methods for Reimbursement for Temporary Quarters Subsistence Allowance

(A) Actual Expenses Method

Reimbursement for temporary quarters subsistence is based on the actual subsistence expenses incurred and itemized. It may not exceed the prescribed maximum amounts for the employee and each family member, based on the applicable standard CONUS per diem rate. For areas outside the CONUS, the rate is the applicable locality rate. The employee must provide lodging and restaurant and/or grocery receipts in order for payment to be authorized, and must itemize meals and provide receipts for all meals over \$75. No amount for lodging may be reimbursed for the time when the employee lodges with a friend or relative.

(i) First 30 Days of Temporary Quarters

The maximum daily amount for the first 30 days of temporary quarters as follows:

- 100 percent of the applicable per diem rate for the employee and an employee's unaccompanied spouse;
- 75 percent of the rate to which the employee is entitled for an accompanying spouse and/or child 12 years or older; or
- 50 percent of the per diem rate to which the employee is entitled for each child under 12.

(ii) For Any Additional Days of Temporary Quarters

The maximum daily amount for any additional days of temporary quarters are as follows:

- 75 percent of the applicable per diem rate for the employee and/or the employee's unaccompanied spouse;

- 50 percent of the rate to which the employee is entitled for an accompanying spouse and/or child 12 years or older; or
- 40 percent of the rate to which the employee is entitled for a child under twelve.

(B) Fixed Amount Method

Under this method the employee will be reimbursed a fixed amount for up to 30 days, with no extensions allowed, using the following formula:

- The employee will be paid 75 percent of the per diem rate for the locality involved.
- The employee also will be paid on account of each member of the employee's immediate family, 25 percent of the rate to which the employee is entitled.

(4) Reimbursement for Local Transportation Expenses

The payment of a temporary quarters subsistence allowance does not entitle the employee to reimbursement for the cost of local transportation while occupying temporary quarters. An employee may, however, be reimbursed under the [Vol 19, Ch 4 \(Travel Regulations for Judiciary Staff\)](#) for necessary transportation expenses if the employee performs local, official business travel, while occupying temporary quarters.

(g) Allowance for Expenses Incurred in Connection with Residence Transactions

(1) Reimbursement for the Sale of a Residence at the Old Duty Station

Under [41 CFR part 302-11](#), an employee generally will be reimbursed for the following expenses when required to be paid in connection with the sale of a residence at the old duty station and the purchase (including construction) of a residence at the new duty station:

- (A) Broker's fees or real estate commission paid for services in selling the old residence, not in excess of rates generally

charged for such services by the broker or by brokers in the locality of the old duty station.

Note: No such fee or commission is reimbursable in connection with the purchase of a home at the new duty station.

- (B) Costs of newspaper, multiple-listing services, or other advertising for sale of the residence at the old duty station if the employee has not paid for such services in the form of a broker's fee or real estate agent's commission. The customary cost of an appraisal also may be reimbursed.
- (C) Legal and related expenses (for document preparation and closing the transaction).
- (D) Miscellaneous Real Estate or Residence Expenses

The following expenses are reimbursable in connection with the sale and/or purchase of a residence, provided they are customarily paid in the locality concerned:

- (i) FHA or VA fee for the loan application;
- (ii) Loan origination fees and similar charges;
- (iii) Cost of preparing credit reports;
- (iv) Mortgage and transfer taxes;
- (v) State revenue stamps;
- (vi) Other fees and charges similar in nature to those listed above, unless specifically prohibited by [41 CFR part 302-11.202](#);
- (vii) Charge for prepayment of a mortgage;
- (viii) Mortgage title insurance policy paid for by the employee on a residence purchased by the employee and required by the lender;
- (ix) Owner's title insurance policy, provided it is a prerequisite to financing or transfer of the property;

- (x) Expenses in connection with construction of a residence that are comparable to expenses that are reimbursable in connection with purchase of an existing residence;
- (xi) Required environmental testing expenses and property inspection fees; and
- (xii) Other expenses of sale and purchase made for required services that are customarily paid by the seller of a residence at the old official station or by a purchaser of a residence at the new station, other than those previously identified.

(2) Non-Reimbursable Items

Certain other items listed in [41 CFR part 302-11.202](#) are non-reimbursable unless provided above, including any fees that have been inflated or are higher than normally imposed for similar services in the locality, and including owner's title insurance, mortgage insurance, insurance against loss or damage to property, interest on loans, points, and mortgage discounts, property taxes, and operating or maintenance costs.

(3) Overall Limitations

The amount of reimbursable expenses may not exceed 10 percent of the actual sale price of the residence at the old station and 5 percent of the actual purchase price of the residence at the new duty station.

(4) Settlement of an Unexpired Lease

An employee may be reimbursed for certain expenses incurred in settling an unexpired lease (including month-to-month rental) for residence quarters at the old official station, including broker's fees for obtaining a sublease, or charges for advertising an unexpired lease, provided the circumstances in [41 CFR part 302-11.7](#) are met.

(h) Transportation of a Privately Owned Vehicle

Expenses for transportation of a privately owned vehicle are reimbursable per [41 CFR part 302-9](#).

(1) Within the CONUS

An employee may be reimbursed for the cost of transportation for the employee's privately owned vehicle within the CONUS where the chief judge or the AO Director (for AO appointments) determines it to be advantageous to the government. In making this determination, the chief judge or AO Director (for AO appointments) must consider whether it is more cost effective to transport the vehicle to the employee's new duty station and to pay for transportation for the employee and their immediate family by commercial means, than it is for the employee or an immediate family member to drive the vehicle to the new official station.

(2) Outside the CONUS

A chief judge, with concurrence of the respective circuit council and upon a determination that it is in the interest of the government, may authorize the transportation of a privately owned vehicle of an employee, including a law clerk, to an official station outside the CONUS. Although such payments for employees and law clerks are discretionary, where an organization does authorize transportation of a privately owned vehicle to an official station outside the CONUS, the agency must pay for the cost of returning the vehicle if the employee completes their service agreement.

(i) Relocation Income Tax Allowance

Under [41 CFR part 302-17](#), an employee will be reimbursed for additional federal, state, and local income taxes incurred by the employee, or by the employee and the employee's spouse if a joint tax return is filed, for certain travel and transportation expenses and relocation allowances that are furnished in kind, or for which reimbursement or an allowance is provided by the judiciary.

- (1) The total amount paid to the employee, or paid on the employee's behalf, for travel, transportation and other relocation expenses and allowances is included in the employee's gross income pursuant to the Internal Revenue Code and certain state or local government codes.
- (2) Although the employee may deduct some reimbursements from their income as moving expenses, nondeductible relocation expenses are subject to income tax. The relocation income tax allowance has two main elements:

- (A) The withholding tax allowance covers the income tax withholding obligation incurred by the employee on nondeductible relocation expense reimbursements and on the withholding allowance itself; and
- (B) The relocation income tax allowance covers substantially all of the estimated additional tax liability incurred the following year. **See also:** [41 CFR part 302-17.5](#). The relocation income tax allowance does not cover tax liability resulting from reimbursement for shipment of a privately owned vehicle or from an excess of reimbursement amount over actual expenses incurred (e.g., where the employee's reimbursement for movement of household goods is based on the commuted rate schedule and actual expenses are less than the reimbursement, tax liability resulting from the difference is not covered).

(j) Transportation of a Mobile Home or Boat Used as a Primary Residence

Under [41 CFR part 302-10](#), an employee who is entitled to transportation of household goods at judiciary expense is entitled to, in lieu of such transportation, an allowance for the transportation of a mobile home or boat used as a residence within the CONUS, within Alaska, between Alaska and the CONUS, or through Canada between one CONUS point and another. Reimbursement cannot exceed the cost the government would incur for transportation of household goods and 90 days temporary storage. The employee will also receive per diem, mileage, and transportation expenses for the employee and their immediate family as set forth above in [§ 530.10](#).

(k) Relocation Services

The Judicial Conference has determined that the use of private firms to provide relocation services to transferred employees, as set forth in [41 CFR part 302-12](#), is not cost effective and, therefore not in the judiciary's best interest.

(l) Home Marketing Incentive Programs

The Judicial Conference has determined that it is not in the judiciary's interest to offer a home marketing incentive program under [41 CFR part 302-14](#).

§ 530.20 Newly Appointed Judiciary Employees Not Already Federal Employees When Appointed

Newly appointed judiciary employees who are not federal government employees at the time of appointment are eligible for payment only of those travel and transportation expenses listed below in relocating to their first official station. These provisions also apply to employees outside the CONUS who are eligible for return travel for separation.

(a) Travel by the Employee and Members of the Employee's Immediate Family

(1) Common Carrier Fare and Per Diem

An employee will be reimbursed for the fare for common carrier transportation and per diem at the applicable per diem rate, and for the fare for common carrier transportation for the employee's immediate family.

(2) Travel by Privately Owned Vehicle and Per Diem

If the employee uses their privately owned vehicle, the amounts payable are the same as for an existing employee transferring between duty stations. **See also:** [§ 530.10\(b\)\(2\)](#).

(b) Transportation and Temporary Storage of Household Goods

An employee will be reimbursed for transportation and temporary storage of household goods in the same manner as an existing employee transferring between duty stations. **See also:** [41 CFR part 302-7](#).

(c) Transportation of a Privately Owned Vehicle

An employee may be reimbursed for the cost of transporting a privately owned vehicle in the same manner as an existing employee transferring between duty stations. Law clerks relocating to and returning from outside the CONUS may be reimbursed for transportation of their privately owned vehicles if the chief judge makes a determination that such reimbursement is in the interest of the government and the circuit council concurs. **See also:** [41 CFR part 302-9](#).

(d) Transportation of a Mobile Home or Boat Used as a Primary Residence

An employee may be reimbursed for the cost of transportation of a mobile home or boat used as a primary residence in lieu of the transportation of household goods in the same manner as an existing employee transferring between duty stations. **See also:** [§ 530.10\(j\)](#).

§ 540 Applicable Forms or Reports

[New Appointee Benefits Request and Service Agreement form \(AO 505\)](#).

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§ 610 Overview

§ 610.10 Purpose

This policy provides guidance to the judiciary for effective and efficient management of travel programs consistent with federal regulations.

§ 610.20 Authority

The authority for this policy is provided by:

- [5 U.S.C. chapter 57](#) – Travel, Transportation, and Subsistence
- [28 U.S.C. § 456](#) – Traveling expenses of justices and judges; official duty stations
- [28 U.S.C. § 604 \(a\)\(7\)](#) – Duties of Director generally

§ 610.30 Applicability

Employees of the judicial branch, including judges, jurors, and uncompensated volunteers or interns who take the oath of office as employees, and, to the extent authorized by guidelines issued by the Administrative Office of the U.S. Courts (AO), personal attendants accompanying employees with disabilities.

§ 610.40 Definitions

(a) Common Carrier

A private-sector supplier of air, rail or bus transportation.

(b) Contract Travel Agency

A private-sector travel service or a Travel Management Center (TMC) that is under contract with the federal government to furnish federal employees and other persons authorized to travel at government expense with travel services, including reservation of accommodations, car rentals and ticketing. A judiciary employee may not use the TMC to furnish travel services for family and friends.

(c) Centrally Billed Account (CBA)

Account through which common carrier tickets are purchased. This account is used to charge official travel expenses, for authorized judicial travel.

(d) Government Contract Airfare

Pre-negotiated airfare that is fully refundable and changeable at no additional cost from the airlines. This is also known as a city pair airfare. The judiciary is a non-mandatory user of this program.

(e) Government Travel Charge Card

Government contractor-issued travel charge card used to pay for official travel expenses. This is an individually billed charge card issued to the employee.

§ 620 Government Travel Charge Card Program

§ 620.10 Current Contractor

The current judiciary contractor, Citibank, is referred to as the Contractor within these regulations. Citibank will issue a Visa Government Travel Charge Card to those travelers authorized by the organization.

§ 620.20 General

- (a) The Government Travel Charge Card may be used for authorized official travel expenses only. All charges are to be in accordance with applicable travel rules and regulations, and employees are personally responsible for all charges incurred. The government will not reimburse a cardholder for expenses of another traveler, even if officially incurred.
- (b) The Government Travel Charge Card and CBA, are the two methods of payment that the airlines require to purchase tickets involving the government contract airfares.
- (c) Government contract airfares may be purchased from contract travel agencies or directly from the airlines using the Government Travel Charge Card or CBA account as the method of payment. Non-contract travel agencies are not authorized to provide government contract airfares to travelers.
- (d) The conditions contained in subsection (c) appear in the contract between the federal government and the participating airlines. Failure to adhere to these conditions could result in the airline billing the traveler or the travel agency for the difference in airfares between the contract and commercial fares.
- (e) Judiciary travelers are not required to use the government contract airfare. Travelers are encouraged to use the TMC and CBA when booking authorized discounted, non-government contract airfare. The TMC can assist the court with maintaining a record of credits received for unused tickets. Use of a CBA when purchasing discounted, non-government

contract airfare helps protect the traveler in circumstances where an unused ticket could become the financial responsibility of that traveler.

- (f) Government Travel Charge Card users receive auto rental collision damage waiver coverage for damage due to collision or theft.
- (g) The AO Office of Finance and Budget, Accounting and Financial Systems Division, Travel Management Office (TMO) is the Contracting Officer's Technical Representative for the judiciary's contract with the credit card provider bank. The TMO has overall responsibility to assist a court unit's Agency Program Coordinator with a request concerning the Contractor or the court's travel credit accounts.

§ 620.30 Eligibility

- (a) Judges and employees who travel more than one overnight trip per year should obtain a Government Travel Charge Card. Management may establish more stringent requirements. Use of the Government Travel Charge Card is encouraged for its convenience, control and cash management benefits. Cards should not be denied to those who travel, as a matter of general office policy.
- (b) Cards should not ordinarily be issued to employees under short term temporary or intermittent appointments. There are, however, provisions under the latest contract to issue cards to employees under a short term appointment.
- (c) Cards may be issued to employees under a long term temporary appointment when the approving officer determines it appropriate.
- (d) Since term law clerks often serve for less than two years, employing judges should consider whether to authorize Government Travel Charge Cards for their law clerks.
- (e) Cards may **not** be issued to contractors, consultants, and other non-employees.

§ 620.40 Management Responsibilities

Management — e.g., the court unit executive (CUE), federal public defender (FPD), for each court unit, or his or her designee — has the overall responsibility for administering the Government Travel Charge Card program. Management must designate an Agency Program Coordinator. Management responsibilities include the following:

- (a) Determining which travelers may apply for the Government Travel Charge Card.
- (b) Establishing written internal policies and procedures to include disciplinary actions that will result if there is misuse by a Government Travel Charge Card holder (including delinquency).
- (c) Establishing automated teller machine (ATM) access authorities and withdrawal limitations. The default amount is \$400 daily and \$1,000 weekly unless authorized by the [Judiciary Travel Management Office](#).

§ 620.50 Agency Program Coordinator (APC)

Management must designate an APC who is responsible for the day-to-day administration of the program. The APC is responsible for the following activities:

- (a) Ensuring that the Contractor has a current name, address and phone number of the APC and, if applicable, the designated alternate APC.
- (b) Understanding all rules and regulations governing the Government Travel Charge Card program.
- (c) Maintaining and safeguarding an inventory of completed applications and other administrative forms supplied by the Contractor.
- (d) Receiving, reviewing for completeness, and processing applications for the Government Travel Charge Cards.
- (e) Reviewing monthly Government Travel Charge Card activity reports to assure that cardholders are adhering to regulations, policies and procedures.
- (f) Reviewing monthly cardholder list and monitoring accuracy.
- (g) Providing the Contractor with assistance in resolving any issues that arise in the administering of the Government Travel Charge Card program.
- (h) Canceling or transferring Government Travel Charge Cards for employees leaving employment of the organization, as noted:

- (1) When the cardholder is leaving employment of judiciary:

The Government Travel Charge Card should be cancelled using the contractor's on-line card management system.

- (2) When the cardholder is transferring (no break in service) to another judiciary unit (irrespective of location):
 - (A) If the cardholder will still require a Government Travel Charge Card at his or her new organization, the cardholder should request electronically the APC at the current organization to transfer the Government Travel Charge Card, to his or her new unit. The effective date of the transfer will be provided to the employee. Issuance of new Government Travel Charge Cards in cases of transfers within the judiciary should be avoided whenever possible.
 - (B) The APC must cancel the Government Travel Charge Card for a cardholder who is transferring units if card is no longer required.

§ 620.60 Cardholders Responsibilities

Cardholders should do the following:

- (a) Complete an application, link provided by the APC, for a Government Travel Charge Card.
- (b) Understand and adhere to the terms and conditions stated on the application.
- (c) Provide a mailing address for billing, which should be the cardholder's residence address. Judges or federal public defenders (FPDs) may request that their bills be transmitted to their respective offices for security purposes.
- (d) Contact the APC promptly if a card is not received within 10 working days of application. Government Travel Charge Cards are mailed in plain envelopes. Cardholders should be careful not to accidentally discard the card.
- (e) Activate the Government Travel Charge Card by contacting the Government Travel Charge Card company, according to instructions on the card or accompanying materials.
- (f) Safeguard the Government Travel Charge Card and ATM access code. Do not reveal the ATM access code to anyone. The cardholder is personally responsible for all payment of charges and ATM withdrawals.

- (g) Withdraw funds from an ATM for estimated travel expenses in accordance with the [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#) or [Guide, Vol 19, Ch 2 \(Travel Regulations for Justices and Judges\)](#), as appropriate.
- (h) Use the Government Travel Charge Card for official travel expenses only. Charges should be incurred in accordance with applicable travel rules and regulations. Cardholders are personally responsible for all charges incurred. The government will not reimburse a cardholder for expenses of another traveler, even if incurred in the performance of official travel.
- (i) Understand that personal purchases and withdrawals, as well as card delinquency, will result in disciplinary action in accordance with the published policies of the organization.
- (j) Submit properly executed travel vouchers, in compliance with the applicable travel regulations in the [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#).
- (k) Forward any unused tickets to their contract travel agency; or notify the travel agency of any e-ticket not used, or unused segments of an e-ticket, for full or partial refund.

§ 620.70 Contractor Issued Procedures and Instructions

- (a) The APC will use the Contractor-provided [program coordinator's guide](#) to administer the program. The Contractor's guide includes detailed instructions and procedures for day-to-day operational responsibilities. Some of the subjects covered by the guide include: obtaining and cancelling Government Travel Charge Cards and accessing the contractors database for maintaining accounts.
- (b) The Contractor is required to assist the courts in the proper administration of this Government Travel Charge Card program. The APC should be familiar with this material to avoid unnecessary inquiries to the Contractor.
- (c) The Judiciary Travel Management Office is also available to discuss policies and regulations governing the travel program at (202) 502-1290 or via [email](#).

§ 630 Centrally Billed Account (CBA)

§ 630.10 Purpose

A CBA is used for charging common carrier tickets for official travel and may be established to pay certain travel expenses for judiciary travelers. CBAs are to be used to purchase transportation tickets and to pay for other official travel expenses, including government contract airfare. For information on the current judiciary-wide contract TMC, see: [§ 640](#).

§ 630.20 Eligibility

(a) Eligible

Courts may use the CBA account to pay the expenses of infrequent or invitational travelers, including jurors who are traveling for the judiciary and are eligible for the government contract airfares, except as identified below.

(b) Ineligible

Contractors, including contract court reporters and interpreters, are not eligible for government contract airfares. Therefore, the judiciary may not purchase tickets for these travelers through the CBA.

§ 630.30 How to Obtain and Administer the CBA

(a) Obtaining a CBA

Organizations should establish an individual CBA. This may be accomplished by completing the [Government Travel Card \(Centrally Billed Account\) Setup Form \(CB005\)](#). Contact the [Judiciary Travel Management Office](#) on how to obtain a CBA. The head of the organization or their designated APC should be the liaison with the Contractor. The name, address and phone number of the APC and, if applicable, an alternate APC should be provided to the Contractor. Any changes to this information should be reported to the Contractor.

(b) Sharing a CBA

If organizations share a CBA, an APC should assist in the administration of the account. Only one APC should, however, be designated as the liaison between the organizations and the Contractor.

(c) Managing the CBA

Organizations should establish local policies and procedures for coordinating all CBA transactions with the APC.

(d) Criminal Justice Act (CJA) Panel Attorney CBA Account

- (1) The only acceptable form of payment for government rate airline tickets is through a CBA. Therefore, a CBA must be established to pay for tickets purchased for CJA panel attorneys and experts.
- (2) Procedures issued by the AO Office of Defender Services must be followed in the authorization and issuance of tickets, and in the processing of the bill within the judiciary.

§ 630.40 Monthly Invoice

Management or the APC will receive and must review the invoice for accuracy.

- (a) Monthly invoices must be reviewed by the APC. The review is to confirm that:
 - (1) all charges are for official judiciary travel only; and
 - (2) proper accounting information is noted, including the sub-budget object code.
- (b) All invoices must be paid promptly. It is not necessary to wait until all travel is completed to certify payment of an invoice. If there is uncertainty or questions on a charge, the APC can deduct the amount in question and pay the balance. There are situations where the government can save expenses by purchasing tickets far in advance, and charging them to a CBA account. In such cases, the charge will be on the CBA invoice before any certifying paper work is processed.
- (c) Travelers must provide the APC any unused paper tickets (full or partial). For e-tickets, notify the APC of wholly unused tickets or unused segments that were purchased using the CBA. The APC will promptly notify, and/or forward the unused tickets to the contract travel agency for credit. A record must be maintained to ensure that all tickets received are accounted for and credits are received on future CBA billings.
- (d) If the bill received includes charges for tickets that are unused and were returned for credit, the APC must reduce this amount from the bill and

annotate the record with sufficient information to permit easy reconstruction of transaction.

- (e) In many instances, both the charge and credit are reflected on the same bill.
- (f) A copy of the traveler's authorization (if applicable) and itinerary, including accounting information, should be sent to the APC. This permits the validation of accounting information to a particular trip and ensures proper disbursement.
- (g) If two or more organizations are using one CBA, this information should be forwarded to the applicable APC responsible for processing the bill.
- (h) Each organization will handle all reservations and ticket problems that may arise. When organizations share an account, canceling any reservations at the contract travel agency is the responsibility of the traveler. The traveler is responsible for notifying the organization's APC in order to provide a method of verifying that the organization is not charged or that credits are properly received.
- (i) When a CBA account is shared with two or more organizations, each organization should work closely with the APC responsible for processing the bill. The APC should communicate with the users of the account and the Contractor, as necessary to maintain proper oversight of the CBA and minimize workload on all offices.

§ 640 Contract Travel Agencies

§ 640.10 Contracted Travel Management Centers (TMC)

The judiciary has a nationwide TMC. The current TMC is [Omega World Travel](#). This is a non-mandatory contract for the judiciary, but the courts are encouraged to use their services.

§ 640.20 Use of the TMC

- (a) Employees on official travel are eligible to utilize a contract travel agency to purchase tickets and arrange hotel and car rental reservations.
- (b) Court travel coordinators should communicate with the TMC the desire to use their services. Organizations should take advantage of any training provided by the TMC, which may include the services that they provide.

- (c) Each traveler should complete a profile form to ensure that all authorized travel is on record with the TMC. This protects the judiciary and TMC. The profile should include the employee's Government Travel Charge Card account number.

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§ 710 Overview

§ 710.10 Purpose

This policy provides guidance to the judiciary for effective and efficient management of juror fee regulations consistent with federal statutes.

§ 710.20 Authority

The authority for this policy is provided by:

- [5 U.S.C. chapter 57](#) – Travel, Transportation, and Subsistence
- [28 U.S.C. § 604 \(a\)\(7\)](#) – Duties of Director generally
- [28 U.S.C. chapter 121](#) – Juries; Trial By Jury

§ 710.30 Applicability

Unless specified otherwise, the provisions of these regulations apply to both grand and petit jurors appearing in district courts under the Jury Selection and Service Act of 1968, as amended, including those petit jurors assigned to trials in the bankruptcy courts.

§ 710.40 Definitions

- (a) Conterminous United States (CONUS)

The 48 contiguous states and the District of Columbia.

- (b) Contract Travel Agency

A private-sector travel service or a Travel Management Center (TMC) that is under contract with the federal government to furnish federal employees and other persons authorized to travel at government expense with travel services, including reservation of accommodations, car rentals and ticketing.

- (c) Grand Juror

Member of a grand jury - a group composed of 16-23 members whose function is to determine whether there is probable cause to charge a person with a crime.

(d) Centrally Billed Account (CBA)

Account through which common carrier tickets are purchased from a contract travel agency. This account is used to charge official travel expenses, with the TMC, for authorized judicial travel.

(e) Juror

A member of a jury. In addition to regular jurors, the term includes special and alternate jurors. An alternate juror is an additional juror impaneled in case of sickness or disability of another juror, generally in trials that are expected to be of long duration.

(f) Meals & Incidental Expense (M&IE)

The rate allowed for the meals and incidental expenses. **See:** [Meals and Incidental Expenses \(M&IE\) Breakdown](#) on GSA's website.

(g) Per Diem Allowance

The daily fixed locality allowance for lodging, meals and incidental expenses. Per diem allowances are published periodically in the Federal Register by GSA. **See:** [Domestic Per Diem Rates](#) on GSA's website. The per diem allowance may be claimed by a traveler in lieu of actual expenses for lodging, meals and incidental expenses. The per diem allowance is separate from the allowance for transportation expenses and other miscellaneous expenses. **See also:** [Guide, Vol. 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#).

(h) Petit Juror

Member of a petit jury — a group of citizens who hear evidence presented by both sides at trial and determine the facts in dispute. Federal criminal juries consist of 12 persons. Federal civil juries consist of at least six persons.

(i) Sequestered Jury

A jury that is ordered to be kept together and not to separate during all or part (e.g., during deliberations) of a trial.

(j) Subsistence Expenses

All reasonable charges for meals (maximum three per day); lodging; personal use of room during daytime; all fees and tips to waiters, porters, hotel maids, dining room stewards and others on vessels; laundry; cleaning and pressing of clothing; and transportation between places of lodging or business, and places where meals are taken, except as otherwise provided.

§ 710.50 Authorization of Jurors' Fees and Allowances

Fees and allowances payable to jurors under these regulations are authorized generally upon the certification of the clerk of court. However, attendance fees for extended service under [28 U.S.C. § 1871\(b\)\(2\) and \(3\)](#), will be certified by the clerk of court only upon the order of a district judge or, in the case of such service in the bankruptcy court, upon the order of a bankruptcy judge. For authorization of extended service, **see:** [§ 720.30](#).

§ 710.60 Frequency of Payments

The frequency of payments of fees and allowances to jurors is a matter left to the discretion of the clerk of court, and is subject to whatever guidance the judges of the court may provide. However, at the discretion of the judge, a juror required to attend court for more than 10 days of actual service may be paid the appropriate fees at the end of the first 10 days of service, and at the end of every 10 days of service thereafter. **See also:** [28 U.S.C. § 1871\(b\)\(4\)](#).

§ 720 Attendance Fees

§ 720.10 Actual Attendance

A juror appearing under summons will be paid an attendance fee in accordance with [28 U.S.C. § 1871\(b\)\(1\)](#) for actual attendance at the place of trial or hearing. **See also:** [§ 720.40](#).

§ 720.20 Attendance Fee Paid for Necessary Travel Days

§ 720.20.10 General Attendance Fee Requirements

The attendance fee will also be paid for the time necessarily occupied in going to and returning from the place of trial or hearing at the beginning and end of service, or at any time during such service. This attendance fee is in addition to any travel or subsistence allowance that may be payable under these regulations.

§ 720.20.20 Day Before

A juror is entitled to an attendance fee in accordance with [28 U.S.C. § 1871\(b\)\(1\)](#) for the day of travel, when such travel is authorized or approved by the clerk of court if the juror must leave home the day before the juror's attendance is required.

§ 720.20.30 Day After

Similarly, a juror who is unable to reach home until after midnight of the juror's last day of service, either because of the distance involved or the lateness of the hour when the jury is discharged, is entitled to an attendance fee in accordance with [28 U.S.C. § 1871\(b\)\(1\)](#) for the day following the last day of service.

§ 720.30 Attendance Fees for Extended Service

- (a) A petit juror serving more than 10 days on one case may be paid, at the discretion of the trial judge, an additional \$10 per day above the amount authorized in [§ 720.10](#) for each day over 10 days. **See also:** [28 U.S.C. § 1871\(b\)\(2\)](#). A grand juror attending more than 45 days of actual service may be paid, at the discretion of the district judge, an additional \$10 per day above the amount authorized in [§ 720.10](#) for each day over 45 days. **See also:** [28 U.S.C. § 1871\(b\)\(3\)](#).
- (b) Such attendance fees for extended service are to be certified by the clerk of court only on the order of a district judge or, in the case of such service in the bankruptcy court, on the order of a bankruptcy judge. **See also:** [28 U.S.C. § 1871\(b\)\(5\)](#).

§ 720.30.10 Certification

Certification of the higher extended service fees, when ordered by the judge, will be effective as of the first day of extended service, without reference to the actual date of such certification.

§ 720.40 Attendance Fees for Federal Government Employees

§ 720.40.10 General Government Employee Requirements

- (a) A full-time, part-time or temporary employee of the federal government, including an individual employed by the government of the District of Columbia, who serves as a juror in a federal court is not entitled to an attendance fee except for such period when the employee was in a non-pay status during all or part of the employee's period of jury service.

For information on a federal employee's overlapping of jury service with a normal workday, **see:** [§ 720.40.50](#).

- (b) A federal government employee, for purposes of these regulations, is defined at [5 U.S.C. § 2105](#).
- (c) A federal government employee serving on a when-actually-employed or intermittent basis is not eligible for court leave, and therefore should be paid the appropriate attendance fees. **See also:** [5 U.S.C. § 5537](#).

§ 720.40.20 U.S. Postal Service (USPS) Employees

USPS employees are excluded from the definition of "employee" under [5 U.S.C. § 2105](#). Therefore, USPS employees are entitled to receive attendance fees.

§ 720.40.30 Government Employee in Pay Status

- (a) A federal government employee in pay status is entitled to court leave, without loss or reduction in the pay or leave to which the employee is otherwise entitled, during a period of absence taken for the purpose of serving as a federal juror. **See also:** [5 U.S.C. § 6322\(a\)](#).
- (b) Specific applications of this rule include the following:
 - (1) If an employee is on annual leave when called for jury service, court leave should be substituted.
 - (2) An employee may not elect to take annual leave instead of court leave, and may not receive the statutory attendance fee for such service.
 - (3) An employee on leave without pay may not be granted court leave when called for jury duty. Such an employee should receive the attendance fee.

§ 720.40.40 Government Employee Not in Pay Status

- (a) An employee of the federal government may retain jury fees for service as a juror in a court of the United States during a period of time that is not included in the employee's scheduled shift on duty, or occurring before or after the employee works their regular shift.

- (b) Evidence of the status of such employee may be in the form of a statement from the agency concerned, indicating that the employee was in a non-pay status during the period involved.

§ 720.40.50 Overlapping of Jury Service with Normal Workday

- (a) A federal government employee whose period of jury service overlaps in part with the employee's normal workday, and is in excess of the employee's required hours, is to be compensated at a rate of \$5 for each hour of jury service — up to \$40 per day — beyond the number of hours of court leave actually granted.
- (b) When computing excess hours of jury service in federal court (e.g. hours in excess of the employee's scheduled daily working hours):
 - Consider one-half hour or more as one hour; and
 - Round off fractional hours.
- (c) When the end of an employee's scheduled workday coincides with the beginning of federal jury service, there is no necessity to prorate the jury fee. Any travel time between duty station and court is to be considered as court leave.

§ 720.40.60 Federal Government Holiday

A government employee is entitled to be paid the attendance fee for service as a juror on a federal government holiday.

§ 730 Travel Allowances

§ 730.10 Travel Rate Within CONUS

§ 730.10.10 Interim Travel

- (a) The maximum rate established in the [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#), on payment to supporting court personnel in travel status using privately owned automobiles, will be paid for the distance necessarily traveled to and from a juror's residence, using the shortest practical route during a juror's term of service.
- (b) Interim travel allowances plus toll charges must not exceed the subsistence allowance the juror would have received, had the juror not returned home during the interim period.

§ 730.10.20 Travel Where Lodging Expenses are Authorized.

- (a) A round trip travel allowance will be paid for the distance necessarily traveled to and from a juror's residence, using the shortest practical route during a juror's term of service.
- (b) The allowance will be at the maximum rate established in the [Guide, Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#) for payment to supporting court personnel in travel status, using privately owned automobiles, and based upon the shortest practical route in going to and returning from the place of service, regardless of the mode of transportation actually employed. **See also:** [Travel Mileage Rates](#) page on the J-Net.

- (c) Exception:

A grand juror who travels to district court under a summons may be paid the actual, reasonable costs of travel by aircraft when travel by other means is not feasible, and when certified by the chief judge of the district court in which the grand juror serves. Note the following:

- (1) Government contract fares should be utilized when available. This will necessitate payment of the airfare via the court's government CBA.
- (2) Tickets must be purchased through the TMC or directly from the airline.
- (3) Non-contract travel agencies may not be used. For information on the judiciary CBA and the TMC, **see:** [Guide, Vol 19, Ch 6 \(Available Travel Programs\)](#).

§ 730.20 Travel Rate Outside CONUS

The travel expenses allowed under [§ 730.10](#) will apply to travel to a district or bankruptcy court under summons in an area outside of the CONUS, except that the judge or clerk of court may, at their discretion, authorize the payment of actual, reasonable transportation expenses based upon:

- Due regard for the mode of transportation;
- The availability of alternate modes; and
- The shortest practical route between residence and court.

§ 730.30 Public Transportation

A juror who must necessarily use public transportation (e.g. bus, subway, commuter train) in traveling to and from court, may be paid, at the discretion of the clerk of court, the actual reasonable expense of such public transportation, when the full cost, on account of the short distance traveled in miles, is not met by the transportation expenses allowable under [§ 730.10](#). **Note:** For purposes of this section, "public transportation" does not include a taxicab, unless in an emergency situation the clerk of court specifically authorizes the use of a taxicab as essential to the expeditious performance of a juror's duties.

§ 730.40 Transportation After Normal Business Hours

A juror who is required to remain at the court beyond the court's normal business closing hour for deliberation or any other reason, may be transported to the juror's residence or temporary lodging in a manner directed by the clerk or by order of the court, and paid from funds authorized for payment of jurors. Under these circumstances a juror may be authorized to take a taxicab to the juror's residence or temporary lodging and, in such cases, they will be reimbursed for the taxicab fare. Transportation provided to a juror under this section is in lieu of other travel allowances authorized under these regulations.

§ 730.50 Toll Charges

Toll charges for roads, bridges, tunnels, and ferries will be paid in full to the juror incurring such charges.

§ 730.60 Parking Fees

§ 730.60.10 Reimbursement to Individual Jurors

- (a) At the discretion of the clerk of court, and consistent with established policy or orders of the court, reasonable parking fees may be paid to jurors incurring such charges when a juror presents a parking receipt for validation.
- (b) The court may, as a matter of policy, establish a maximum daily amount of reimbursement for parking, regardless of the actual parking expenses incurred.
- (c) A juror parking at a parking meter or at a parking facility that does not issue parking receipts, may be reimbursed based on the juror's own certification.

§ 730.60.20 Arrangements for Parking

- (a) To simplify the reimbursement of reasonable parking expenses, the clerk of court may enter into an arrangement with commercial parking facilities for direct payment of parking fees on a weekly or monthly basis. Courts are permitted to lease multiple parking spaces for the use of jurors, in lieu of providing direct reimbursement for each space actually used.
- (b) The court must contact both the AO District Court Administration Division and the AO Budget Division for assistance, and must be able to provide sufficient documentation that reflects that this is the most economical means of securing parking. A clerk of court should obtain quotations and/or solicit bids in order to obtain the most favorable financial arrangements. The clerk should also investigate the possibility of procuring free or reduced rate parking for jurors through arrangements with federal, state, or local government entities. In any event, the clerk should notify jurors of available parking facilities.

§ 740 Travel Subsistence Allowances

§ 740.10 Conditions Under Which Allowance Is Granted

- (a) The clerk of court may allow a juror to receive a travel subsistence allowance if, exercising their discretion, the clerk determines that travel to the juror's residence appears impracticable.
- (b) In making such a determination, the clerk should consider such factors as:
 - travel distance,
 - travel time,
 - travel conditions, and
 - time at which jurors are excused.
- (c) Once this determination is made, a travel subsistence allowance is owed to the juror.
- (d) When an overnight stay is authorized by the clerk of court, a juror will be paid a travel subsistence allowance as set forth below in [§ 740.20](#).
- (e) The travel subsistence allowance for the day en-route home — the last day of the juror's service— will be the [M&IE](#) rate applicable to judiciary staff.

§ 740.20 Subsistence Allowance Rates

§ 740.20.10 Areas Within CONUS

For travel within the CONUS, when an overnight stay is required, a per diem allowance will be paid to a juror using the rates established in the [Vol 19, Ch 4 \(Judiciary Staff Travel Regulations\)](#) for payment to supporting court personnel in travel status. The clerk of court may require a juror to submit a lodging receipt. Jurors staying with a friend or relative should be paid as set forth below in [§ 740.40](#). For rates, which vary by location, **see:** [Travel – Per Diem/ Subsistence](#) page on the J-Net. Note that:

- (a) Jurors are not entitled to claim actual expenses of subsistence above the locality per diem rates.
- (b) Lodging taxes are no longer part of subsistence. They may be claimed as a miscellaneous travel expense in addition to per diem. Jurors should take advantage of any exemption from lodging taxes when available.
- (c) Courts should assist jurors in obtaining a tax exemption form for the locality.

§ 740.20.20 Areas Outside CONUS

In areas outside of the CONUS, a juror required to stay overnight will be paid the rate prescribed by the Secretary of Defense and published in the Federal Register. The appropriate clerks' offices are promptly notified of these changes by the Administrative Office. For rates, **see:** [Travel – Foreign Per Diem Rates](#) page on the J-Net.

§ 740.30 Sequestered Jury

During any period in which a jury is sequestered, the actual cost of subsistence will be paid upon the order of the court in lieu of the subsistence allowance ordinarily payable to the individual jurors. Allowances for sequestered jurors will include the cost of meals, lodging, and other expenditures ordered at the discretion of the court for the jurors' convenience and comfort.

§ 740.40 Juror Lodging with Friend or Relative

- (a) If the juror is entitled to subsistence and stays with a friend or relative, reimbursement may not exceed the judiciary [M&IE](#) allowance.
- (b) The juror may not be reimbursed for any amount paid to the friend or relative in absence of documented additional costs incurred.

- (c) The presentation of a receipt is not considered sufficient documentation.
- (d) Actual additional costs must be sufficiently detailed so that the court may determine if an allowance should be paid for lodging.
- (e) If an allowance is to be paid for the lodging, the court will pay the lesser of the documented amount, or the commercial lodging rate at a reasonable establishment.
- (f) The underlying concern when a juror secures lodging from a private source is whether the expenses claimed were actually spent for the lodgings or were merely transfers of money arranged for the purpose of supporting a claim against the Government and thereby enriching both the employee and the host.

§ 740.50 Emergency Direct Payment on Behalf of Juror

- (a) In emergency hardship situations, a clerk may pay for lodging and meals directly on behalf of a juror, not to exceed the subsistence allowance entitlement of that juror.
- (b) This provision should only be used in hardship situations where the court has determined that the juror could not serve unless such accommodations are taken care of directly by the court.
- (c) In emergency situations, common carrier fares may be paid directly for grand jurors.

§ 750 Miscellaneous Juror Allowances

§ 750.10 Transportation of Jurors

- (a) The procurement of transportation for sequestered juries and their official attendants, for non-sequestered juries when ordered by the court for the jurors' safety and security, or for juries being transported, is generally authorized and does not need prior approval from the AO.
- (b) The expenses associated with procuring the lease of a van from GSA motor pool to transport these jurors will be paid from the Juror Fee Appropriation (Grand 092530 and Petit 092540).
- (c) Such transportation should be arranged through the U.S. Marshals Service.

- (d) If a GSA van is not available, a van may be obtained through commercial sources. The federal government is self insured and insurance costs will not be reimbursed.

§ 750.20 Refreshments for Jurors

- (a) All individuals reporting for jury duty, including perspective jurors, may be provided coffee, tea, soft drinks, donuts, sweet rolls and other light refreshments. Meals, including sandwiches, may be provided only on order of the court to jurors who have been charged and are deliberating. When a meal is provided, a juror's travel subsistence, if applicable, should be reduced by an amount equivalent to the cost of the meal(s).
- (b) The expenditure of appropriated funds for refreshments is generally authorized. Refreshments should be procured via a purchase order or small purchase card; if this is not feasible due to compelling circumstances, expenses for refreshments may be placed on vouchers, using [Form SF 1164 \(Claim for Reimbursement for Expenditures on Official Business\)](#). Copies of receipts from vendors should be attached to the vouchers as support for expenses. Vouchers must not exceed \$100. **See also:** [AFSD Memorandum, Jan. 8, 2009, Reimbursement to Employees for Authorized Purchases of \\$100 or Less](#).
- (c) The clerk of court will be responsible for the procurement of refreshments and for the implementation of necessary controls to ensure that the accommodation is not abused or wasted.

§ 750.30 Emergency Medical Assistance

- (a) Expenditures for emergency medical first-aid assistance, such as ambulance and related charges before admission to a hospital, may be authorized by the AO Office of General Counsel.
- (b) All claims should be paid from the court's local Salaries & Expense fund (092000).
- (c) Courts may request a supplemental allotment to the AO Budget Division with supporting documentation for each claim.

Guide to Judiciary Policy

Vol 19: Travel and Relocation

Ch 8: Compensation of Witnesses and Taxation of Witness Travel Costs

§ 810 Overview

§ 810.10 Purpose

§ 810.20 Authority

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§ 810.40 Definitions

§ 820 Policies

§ 820.10 Compensation of Witnesses

§ 820.20 Taxation of Costs of Witness Travel

§ 810 Overview

§ 810.10 Purpose

This policy addresses and provides guidance for the judiciary to effectively and efficiently compensate witnesses, and for the taxation of costs of witness travel, consistent with federal regulations.

§ 810.20 Authority

The authority for this policy is provided by:

(a) [28 U.S.C. § 1821 \(Per diem and mileage generally; subsistence\)](#); and

(b) [28 U.S.C. § 1920 \(Taxation of costs\)](#).

§ 810.30 Applicability

This policy applies to federal public defender (FPD) organizations and the following court units:

- U.S. Appellate Courts
- U.S. District Courts
- U.S. Bankruptcy Courts

- Territorial Courts
- Judicial Panel on Multi-District Litigation
- Court of International Trade
- Court of Federal Claims
- Court of Appeals for the Federal Circuit

§ 810.40 Definitions

(a) Disbursement

Checks issued or cash paid, net of refunds. Disbursements include funds used to make advance payments and are not the equivalent of expenditures.

(b) Subsistence Expenses

All reasonable charges for meals; lodging; personal use of room during daytime; all fees and tips to waiters, porters, hotel maids, dining room stewards and others on vessels; laundry; cleaning and pressing of clothing; and transportation between places of lodging or business and places where meals are taken, except as otherwise provided.

(c) Witness

A person called upon by either side in a lawsuit to give testimony before the court or jury.

§ 820 Policies

§ 820.10 Compensation of Witnesses

Under [28 U.S.C. § 1821](#), a \$40 per day attendance fee is established for a witness in a court of the United States and also entitles a witness to the reimbursement of travel and subsistence expenses in the same amounts payable to a federal government employee for official travel.

§ 820.20 Taxation of Costs of Witness Travel

Although a disbursement to a witness is not made from judiciary appropriated funds, this policy is provided for guidance in the taxation of costs under [28 U.S.C. § 1920\(3\)](#).

Note: Under [28 U.S.C. § 1821\(c\)\(4\)](#), all normal witness travel expenses are taxable under [28 U.S.C. § 1920](#) whether the travel is within or outside the judicial district of the summoning court.